

	2020 Estimate	2021 Estimate	2022 Estimate	2023 Estimate	2024 Estimate
Capital Expenses					
JS Charnwood					
Demountables & Science Lab Refurbishment					
Communal Hall and Gym					
Performing Arts Centre Addition					
Café					
Car-Park					
JS Classrooms					
MS Classrooms and Administration					
Science Wing					
MS Second floor classrooms					
Administrative Wing					
Master Planning					
Professional Fees					
Contingencies					
Landscaping					
ICT					
Furniture					
Sound & Lighting					
Buildings - Improvements					
Building Loan - Principal Repayments					
Library Books					
Text books & Teacher Reference					
Capital Equipment - Musical Equipment					
Furniture & Fittings					
Plant and Machinery (Minor Equipment)					
Information Technology Equipment					
Total Capital Expenses					
NET CAPITAL SURPLUS/(DEFICIT)					
NET SURPLUS/(DEFICIT)					
NON-CASH ITEMS					
Depreciation					
Annual & Long Service Leave Provision					
TOTAL NON-CASH ITEMS					
NET CASH SURPLUS/(DEFICIT)					
Cash Balances					
Balance as at 31 December 2019					
Net Cash Surplus					
Closing Balance					

Initial Findings of [REDACTED]

STR use.

2019

AD mid year leavers

2019

- 22 no new Enrollment on 17/7/19

2018

11 mid year leavers
[0] end of year leavers

2017

12 mid year leavers
93 end of year leavers

2016

9 mid year leavers.

From: [Mest, Kate](#)
To: [Tooth, Lynda](#)
Subject: [REDACTED]
Date: Monday, 20 January 2020 12:10:26 PM
Attachments: [REDACTED] [20.12.19.docx](#)

UNCLASSIFIED Sensitive

Edited version of 'Summary of attachments, BCC, [REDACTED], Response to authorised person inquiry and inspection' attached as requested. A hard copy with all attachments is in your in-tray.

Kind regards,

Kate Mest

Project Officer | Phone + 61 2 6207 0640

Non-government Education | Education | ACT Government

GPO Box 158 Canberra ACT 2601

www.education.act.gov.au

January 16, 2020

SUBJECT: Summary of attachments, Brindabella Christian College, [REDACTED], Response to authorised person inquiry and inspection

Critical Reason/ background: The Register of ACT Non-government Schools, Danielle Krajina, wrote to [REDACTED] and [REDACTED] ([REDACTED]) on October 8, 2019 and November 18, 2019 requesting information and evidence that the college is complying with aspects of the Education Act 2004.

Purpose: To supply a comprehensive overview of BCEL/ BCC's letter of response and additional evidence provided via [REDACTED] on December 20, 2019.

Suggested next steps: 1. Internal analysis of the Student Transfer Register ensuring all BCC students are accurately entered onto the STR including the graduating class of 2019.

2. Further inspections of BCEL complaints handling procedures, in particular in reference to handling of complaints that are made about the behaviour of member of the school board.

3. Further inspection and investigation as to how the College is mitigating the impact of high-staff turnover and its impacts on Student Wellbeing.

Education Directorate's Request	BCC Response	Interim Assessment of Response
<p>Provide evidence that you have reloaded all student data into the Student Transfer Register (using correct dates and codes) for all students who have been enrolled in/ or attended the school in 2018 (including the graduating class of 2018) and 2019 or continue to be enrolled in and attend the school in 2019.</p> <p>Ensure the reloaded student is accurate, uses all required STR exit codes, lists the graduating class of 2018 as have left the school.</p>	<p>Evidence has been provided in the form of extracted data sets from BCC's own enrolment database system (<u>not STR</u>). This includes the following information sets:</p> <ol style="list-style-type: none"> 1. Students attending BCC in 2018 (170) 2. Students who left BCC in 2018 (125) 3. 2018 Year 12 class left (34) 4. Students attending BCC in 2019 (205) 5. Students who left BCC in 2019 (81) 	<p><u>FURTHER ANALYSIS REQUIRED</u></p> <p>This information does not correlate with information included in the December 20th, 2019 letter from [REDACTED] which repeatedly states that as of the September 2019 census 211 children left BCC.</p> <p>To determine BCC compliance with this request, copies of extracted information from the STR will be required to ensure all student data (including correct dates and codes) has been re-entered accurately. STR data should now include the graduating BCC class of 2019.</p>
<p>Provide evidence that you have developed a policy and</p>	<p>A BCC Procedural document has been created entitled '<i>Enrolment Records- Student Transfer Register</i></p>	<p><u>SATISFACTORY</u></p> <p>The document includes the procedures and guidelines</p>

January 16, 2020

procedures that will ensure future compliance with the requirements of the Act regarding the use of the STR.	[REDACTED]	for the Student Transfer Register as provided by the ACT Education Directorate.
Provide evidence that the school's enrolment staff have been trained in the requirements of the STR and enrolment records requirements.	At 3.30pm on Wednesday November 13, 2019, all relevant staff were trained by Gillian Abdilla (Senior Business Analyst, ACT Education Directorate) in relation to the requirements of the STR and enrolment records. The staff who attended the training were [REDACTED] and [REDACTED].	<u>SATISFACTORY</u> Training provided as requested by the Directorate. ACT Directorate employee conducted the training.
Provide evidence that you have fully reviewed its enrolment and attendance records for every student currently attending BCC and; i) Updated the enrolment records where necessary; and ii) Updated the STR where necessary	In the December 20th, 2019 letter from [REDACTED] the college confirmed that a full review of the enrolment and attendance records for every student currently attending BCC was conducted, and enrolment records and the STR have been updated accordingly. The letter states that this review was done by cross-checking data from the college's current enrolment register and the end of year enrolment registers for 2018 with February Census data for 2018 and 2019. Additionally, current class lists have also been confirmed by all pastoral care teachers.	<u>SATISFACTORY</u> Recommend a review of BCC Student Transfer Register data following February census.
Provide a detailed business plan for the remainder of the school's current registration period outlining how the school intends to remain financially viable in the light of the significant number of student departures that have and will occur in 2019.	In the December 20th, 2019 letter from [REDACTED] BCC/BCEL states that they consider the provision of a detailed business plan is unreasonable, however, to satisfy the Directorate of the College's financial viability, they have included a redacted version of BCC's five-year financial projections.	<u>FURTHER ANALYSIS REQUIRED</u> Recommend assessment by CFO.
<i>Provide a fulsome explanation as to how you enable teacher, parent and student participation in all aspects of school education (S. 75 of the Act).</i> <i>Provide a fulsome explanation as to how you promote the partnership between home and school (S. 75 of the Act).</i>	<u>UNSATISFACTORY</u> In the December 20th, 2019 letter from [REDACTED] BCC/BCEL states that section 75 of the Education Act does not impose any obligation on BCC.	<u>SATISFACTORY</u> As Sn75 are principles not obligations, no further action is required.
<i>Provide a fulsome explanation as to how you provide information about the operation of their school and their educational programs (S. 80 of the Act).</i>	In the December 20th, 2019 letter from [REDACTED] BCC/BCEL states information about the operations of the College and the educational programs provided can be found via the College's online services and social media platforms (including BCC's website, SchoolBox notifications, BCC's Facebook page, BCC's twitter account, and secure staff, parent and student online college IT portals. Additionally,	<u>FURTHER ANALYSIS REQUIRED</u> As the BCC website lists only the following contacts, further information is required to determine if this is satisfactory: 1. +61 (2) 6190 7300 (General Enquiries Lyneham Campus) 2. +61 (2) 6190 7400 (General Enquiries Charnwood Campus)

January 16, 2020

	information about the operation of the school and its educational programs are also issues at school assemblies, events, newsletters, email notifications, principal tours, parent interviews and staff development events.	3. General enquiries: bcc@bcc.act.edu.au A search for the school policy to comply with this section of the act proved non-conclusive as no policy could be found in information held by the directorate nor on BCC's website.
<i>Provide a fulsome explanation as to how you provide for the safety and welfare of students (S. 91 (b) (ii)) and specifically given the very high turn over of staff that has occurred at the school in 2019.</i>	In the December 20th, 2019 letter from [REDACTED] BCC/BCEL states that it is its opinion that there is no legitimate basis for this concern, and it is not clear on how the Directorate considers that these two issues are related.	<u>SATISFACTORY</u> No further action recommended. Although, BCC/BCEL does not acknowledge that their staff turnover is excessive there is a significant amount of highly regarded research that documents the relationship between student welfare and staff turnover. Specifically, the Australian Professional Standards for Teachers (AITSL) Professional Standard 1 is 'Know students and how they learn'. Other relevant research articles include; <ol style="list-style-type: none">1. Roffey, S. (2012). <i>Pupil Wellbeing- Teacher Wellbeing: Two sides of the same coin?</i> Educational & Child Psychological Society (Appendix 2)2. Hattie, J. (2009). <i>Making learning visible: A Synthesis of over 800 meta-analyses relating to achievement</i>. London: Routledge.3. Roorda, D.L., Koomen, H.M.Y., Spilt, J.L. & Oort, F.J. (2011). <i>The influence of affective teacher student relationships on students' school engagement and achievement: A meta-analytic approach</i>. Review of Educational Research, 81(4), 493–529.
<i>Provide a fulsome explanation as to how you investigate complaints about the administration, management and operation of the school (S. 94 of the Act).</i>	Included in the package of recent documents attached to the December 20th, 2019 letter from [REDACTED] BCC/BCEL have included copies of their Complaints Policy and the College's Complaint Register.	<u>FURTHER ANALYSIS REQUIRED</u> BCC has a 'Complaint's Policy' that adheres to Sn 94 of the <i>Education Act 2004</i> . The complaints register provided is a blank document, so it is unclear from a Directorate perspective on whether the school is instituting the procedures appropriately. Additionally, it has been well documented that the College often does not follow its own policy and procedures during the complaints process.

January 16, 2020

<p>Provide a fulsome explanation as to how you handle complaints that are made about the behaviour of member of the school board.</p>	<p>Outlined in the December 20th, 2019 letter from [REDACTED] BCC/BCEL states the procedures it has adopted to handle complaints that are made about the behaviour of members of the school board. Namely the procedures state, <i>"If the complaint, dispute or grievance is directed at a Member of the board or the board itself, the Board has adopted the following, an independent review and reconciliation methodology via the services of [REDACTED]"</i>.</p>	<p><u>SATISFACTORY</u> No further action recommended as the Education Directorate has no authority to further investigate this matter.</p> <p>Additional information: Although BCEL has procedures in place, the Education Directorate has learned that complaints against members of the school board are regularly dismissed without investigation and multiple instances have occurred in which the subject of the complaint has presided over the complaint itself and communicated with the parties involved. The Directorate is yet to be notified of an instance where a complaint against the school board or its individual members was dealt with in accordance to BCC/BCEL's own policy and procedural guidelines. (Appendix 1: Inapt Complaints Handling).</p>
<p>Gather evidence that substantiates the claims you make in your explanations to the above legislated requirements of ACT non-government schools.</p>	<p>In the December 20th, 2019 letter from [REDACTED] the college has provided some information as to how BCC/BCEL is complying with legislative requirements.</p>	<p><u>FURTHER ANALYSIS REQUIRED</u> To determine whether BCC/BCEL is complying with each issue, further investigations will be required including analysis of the Student Transfer Register.</p>
<p>Prepare for further inspections of the school by one or more authorised persons to verify the school's compliance with all matters listed in this letter and all or some of the conditions of registration.</p>	<p>N/A</p>	

Appendix 1: Inapt Complaints Handling (Complaints that are made about the behaviour of members of the school board)

Date Lodge	Identity	Complaint	Key concerns	Other agencies Included	BCEL Response/ Evidence of an investigation
[REDACTED]	[REDACTED]	<p>Fit and Proper Persons Staff Safety and Wellbeing Concerns</p>	<p>[REDACTED] complains of inappropriate and intimidating behaviour in a confrontation with [REDACTED]</p>	<p>[REDACTED]</p>	<p>Response 11.09.2015 in conjunction with another matter.</p>
		<p>Fit and Proper Persons Staff Safety and Wellbeing Concerns</p>	[REDACTED]	<p>BCEL Board</p>	<p>Correspondence regarding the matter (including a contrary statement of events from [REDACTED] but no apparent investigation</p> <p>Metter remains unresolved and recommendations made by Governance and Risk Committee member where not followed</p>
		<p>Fit and Proper Persons Student Safety and Wellbeing Concerns (privacy)</p>	<p>[REDACTED] stated publicly that [REDACTED] were overheard remarking on school politics. The assertion was incorrect and immediately withdrawn, however complainant is not satisfied.</p> <p>Furthermore, [REDACTED] presided over this complaint in which [REDACTED] was the subject of concern and responded to the complainant</p>	<p>BCEL Board</p>	<p>[REDACTED] acknowledged from receipt on 22.07.2015 and promised an external agency would investigate.</p> <p>Additional Responses 11.11.2015</p> <p>This did not occur, rather with the resignation of [REDACTED] and [REDACTED]</p>

					<p>allocated the position, the matter was 'closed' with no investigation or resolution.</p>
		<p>Fit and Proper Persons Student Safety and Wellbeing Concerns (privacy)</p>	<p>breached student confidentiality by disclosing information about a child's additional needs publicly</p>	<p>BCEL Board</p>	<p>Response via email on 07.10.2015 (an apology)</p> <p>No investigation conducted</p> <p>Not responded to in a timely manner</p>
		<p>Fit and Proper Persons Complaints Handling Procedures Student Safety and Wellbeing Concerns</p>	<p>Two issues raised; 1. Handling of complaint lodged . This complaint related to the conduct of . This complaint remains unaddressed and unresolved. An external agency was not appointed despite advisement from that this would happen.</p> <p>2. At a community meeting asserted that the school had an existing policy that allowed the board to ask families to leave the school if the parents did not fully support the board and its actions.</p>	<p>BCEL Board</p>	<p>No response</p> <p>No apparent investigation</p>

			<p>[REDACTED]</p> <p>At a later date, the [REDACTED] stated that the policy referenced above did not exist as far as [REDACTED] was aware.</p>		
[REDACTED]		<p>Fit and Proper Persons</p> <p>Request of information regarding school operations</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>	BCEL Board	<p>Response 08.12.2017</p> <p>No investigation</p> <p>Suggestion that mediation due to the events of 2015 via [REDACTED] may be the most appropriate method that the [REDACTED] could use to further their concerns (however no referred made)</p>
[REDACTED]		<p>Financial Viability</p> <p>Request of information regarding school operations</p>	<p>Concerns for school finances, liquidity position, debt burden, insufficient cash flow, capital works/ building projects</p>	BCEL ACT Education Directorate	<p>Yes</p> <p>Complainant not satisfied</p> <p>Requests for information about the operations of the school (finances) denied</p>
24.07.2019	Parents for BCC	<p>Governance and operational concerns</p>	<p>Conflict of interest, allegations that the board pursued development works on-site in Lyneham in contravention of ACT</p>	BCEL Yvette Berry MLA	<p>Responses on 24.07.2019 and No Date</p>

			<i>planning regulations, the Board effectively forced the collapse of BCCs Parents and Friends association and a related Facebook page, threatened legal action, resignations of staff and the principal</i>		No evidence of investigation
		Governance and operational concerns Financial Viability	<i>Resignations, staff turnover, student enrolment withdrawal, student wellbeing, staff wellbeing, stress, bullying, governance concerns, micromanagement, Interference in decision making/ staffing requirements, belittling, criticism, misinformation, undermining, threatening, financial viability, intimidation, disrespect</i>	BCEL Yvette Berry MLA Dan Tehan MP ACT Education Directorate Parents for BCC	Yes No evidence of an investigation Threats of legal action towards
		Governance and operational concerns Student Safety and Wellbeing Concerns Request of information regarding school operations <i>Actions breach BCC's Grievance Policy, Complaints Policy, Governance and Management Policy, and Student Safety and Wellbeing Policy.</i>	<i>BCEL 'out of touch' with parents, multiple staff and executive resignations, impact of staff resignations/changes on students, retention and care of existing teaching staff, diminished public credibility, lack of confidence in the BCEL board, student wellbeing, BCEL Chair allegations against student, pastoral care/ discipline meeting, emotional and psychological wellbeing of student, stress, anxiety fear</i>	BCEL ACT Ombudsman ACT Education Directorate	Yes, multiple responses received No evidence of an investigation No answer to initial governance concerns/ allegations made by Board Chair against student Multiple requests for information about the operations of the school (policies) ignored or only provided with partial material pertaining to the requests.
		Concerns regarding	<i>Concerns government funding</i>	BCEL	No

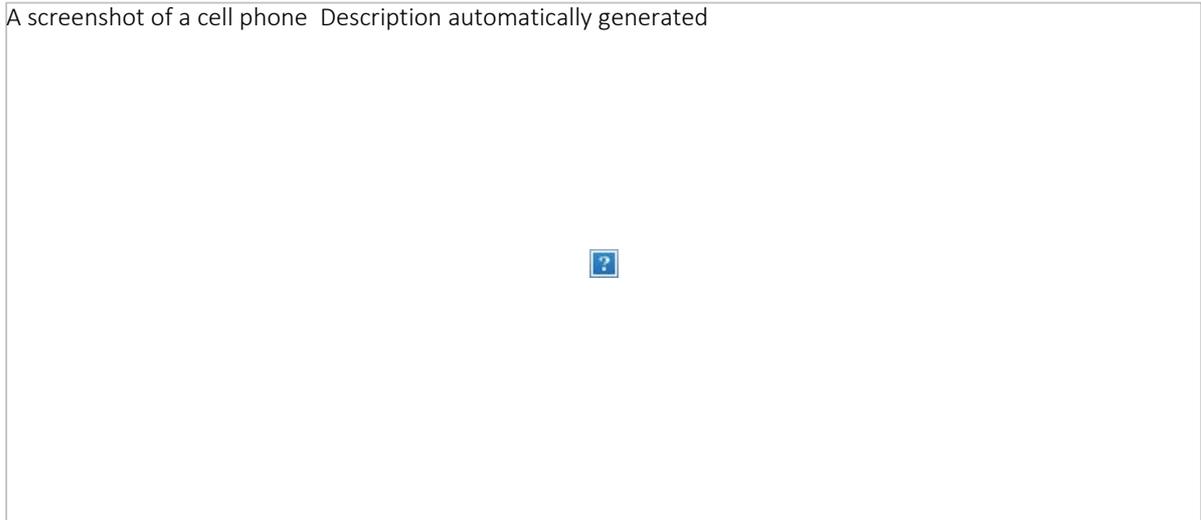
		misappropriation of Government Grants and Private School fees Staff and Parent Safety Concerns	<i>and parent fees are financing legal expenses and workers compensation claims</i>	ACT Education Directorate	Letter deemed notification rather than complaint
--	---	---	---	---------------------------	--

From: [Mest, Kate](#)
To: [Tooth, Lynda](#)
Subject: BCC Enrolment Policy
Date: Tuesday, 21 January 2020 4:14:00 PM
Attachments: [BCCenrolmentpolicy.JPG](#)
[Enrolment+Policy+2019 \(1\).pdf](#)
[image001.jpg](#)

UNCLASSIFIED Sensitive

As requested. Please see attached.

A screenshot of a cell phone Description automatically generated



Kind regards,

Kate Mest

Project Officer | Phone + 61 2 6207 0640
Non-government Education | Education | ACT Government
GPO Box 158 Canberra ACT 2601
www.education.act.gov.au

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the *Freedom of Information Act 2016*.

This document is not released in accordance with Schedule 1, 1.2 of
the *Freedom of Information Act 2016*.

From: [King, Ashley](#) on behalf of [Education DLO](#)
To: [Krajina, Danielle](#)
Cc: [Tooth, Lynda](#); [Nott, Georgia](#); [EDUMCR](#)
Subject: [REDACTED] FAA Brindabella Christian College Governance Concerns Tehan [REDACTED]
Date: Tuesday, 28 January 2020 8:26:58 AM

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Hello

Title/Question	Brindabella Christian College Governance Concerns Tehan [REDACTED]
Action	For Info Only
Responsibility	G&CL
Response type	Nil
TRIM	[REDACTED]
Date due	Nil
Clearance	Nil
Comment	Please contact Ashley King at EDUDLO@act.gov.au if you have questions.

Ashley
X50291

From: BERRY <BERRY@act.gov.au>
Sent: Friday, 24 January 2020 3:57 PM
To: Education DLO <EDUDLO@act.gov.au>
Cc: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: FW: Brindabella Christain College, ACT

For appropriate action/response. Education

From: [REDACTED]
Sent: Friday, 24 January 2020 2:25 PM
To: dan.tehan.mp@aph.gov.au
Cc: [REDACTED] BERRY <BERRY@act.gov.au>; [REDACTED]
Subject: Brindabella Christain College, ACT

Mr Dan Tehan, Federal Minister for Education

RE: Brindabella Christian College, ACT [REDACTED]

Dear Sir,

[REDACTED]

[REDACTED]

cc. Senator Zed Seselja, Minister Yvette Berry

From: [King, Ashley](#) on behalf of [Education DLO](#)
To: [Krajina, Danielle](#)
Cc: [Tooth, Lynda](#); [EDU, EDBSD](#); [EDUMCR](#); [Nott, Georgia](#)
Subject: [REDACTED] Brindabella Christian College Governance Concerns [REDACTED]
Date: Tuesday, 28 January 2020 9:35:00 AM
Attachments: [image001.png](#)
[image002.png](#)

UNCLASSIFIED For-Official-Use-Only

Hello

Title/Question	Brindabella Christian College Governance Concerns [REDACTED]
Action	Ministerial Response please
Responsibility	G&CL
Response type	Letter
TRIM	[REDACTED]
Date due	MO 11/2/20
Clearance	EGM BS
Comment	Please contact Ashley King at EDUDLO@act.gov.au if you have questions.

Ashley
X50291

From: BERRY <BERRY@act.gov.au>
Sent: Tuesday, 28 January 2020 9:28 AM
To: Education DLO <EDUDLO@act.gov.au>
Cc: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: FW: Website - <https://www.yvetteberry.com.au/> - Contact - Submission

Hi Ashley,

Please see below/ attached correspondence related to Education. For appropriate action/response.

Thanks,

Brooke

Brooke Hendry | Office Manager

Phone: +61 2 6205 0233

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



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sided and black and white.

Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government’s open access website under section 23 of the *Freedom of Information Act 2016*

From: berry=act.gov.au@mg.linas.net <berry=act.gov.au@mg.linas.net> **On Behalf Of** berry@act.gov.au

Sent: Saturday, 25 January 2020 3:09 PM

To: BERRY <BERRY@act.gov.au>

Subject: Website - <https://www.yvetteberry.com.au/> - Contact - Submission

Message	<p>[REDACTED] [REDACTED] [REDACTED]. The message communicated to the past and present parents group is that the Department of Education has indicated they are powerless to intervene. Minister, [REDACTED] met with you last year to discuss concerns about Brindabella. Is there NOTHING to be done about this Board?</p>
ContentId	[REDACTED]
FirstName	[REDACTED]
LastName	[REDACTED]
Mobile	[REDACTED]
Email	[REDACTED]
Postcode	[REDACTED]

This document is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(xvi).

This document is not released in accordance with Schedule 1, 1.2 of
the *Freedom of Information Act 2016*.

From: [Krajina, Danielle](#)
To: [Nott, Georgia](#)
Cc: [Tooth, Lynda](#); [EDU, EDBSD](#); [Krajina, Danielle](#)
Subject: RE: [REDACTED] Berry Letter to Tehan MP re Brindabella Christian College
Date: Friday, 31 January 2020 11:32:29 AM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)

UNCLASSIFIED For-Official-Use-Only

Hi Georgia

I have drafted a letter to the Federal Minister after discussions with the office. For David's clearance, noting the turnaround expected by the office.

Danielle

Executive Branch Manager, Governance and Community Liaison | Education | ACT Government
 Senior Executive for Business Integrity Risk (SERBIR)
 02 6207 2990 | Danielle.krajina@act.gov.au
 Level 6 220 Northbourne Avenue Braddon | GPO Box 158 Canberra ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)



From: King, Ashley <Ashley.King@act.gov.au> **On Behalf Of** Education DLO
Sent: Thursday, 30 January 2020 8:33 AM
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Cc: Tooth, Lynda <Lynda.Tooth@act.gov.au>; Nott, Georgia <Georgia.Nott@act.gov.au>; EDUMCR <EDUMCR@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>
Subject [REDACTED] Berry Letter to Tehan MP re Brindabella Christian College
Importance: High

UNCLASSIFIED For-Official-Use-Only

Hello

Title/Question	Berry Letter to Tehan MP re Brindabella Christian College
Action	Ministerial Letter
Responsibility	G&CL
Response type	Letter
TRIM	[REDACTED]
Date due	MO 5/2/20
Clearance	EGM BS
Comment	<p>Directorate to draft a letter for Minister Berry to send to Minister Tehan passing on the parent concerns and asking that he consider what actions the Commonwealth should take under their legislative framework?</p> <p>Please contact Ashley King at EDUDLO@act.gov.au if you have</p>

questions.

Ashley
X50291

From: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Sent: Wednesday, 29 January 2020 6:23 PM
To: Education DLO <EDUDLO@act.gov.au>
Cc: Krajina, Danielle <Danielle.Krajina@act.gov.au>; Matthews, David <David.Matthews@act.gov.au>
Subject: Letter to Tehan on BCC

Hi Ashley,

Could you please ask the Directorate to draft a letter for Minister Berry to send to Minister Tehan passing on the parent concerns that we've been hearing and asking that he consider what actions the Commonwealth should take under their legislative framework?

If I could get a draft by COB Wednesday 5 February, that would be great.

As always, happy to discuss with the team.

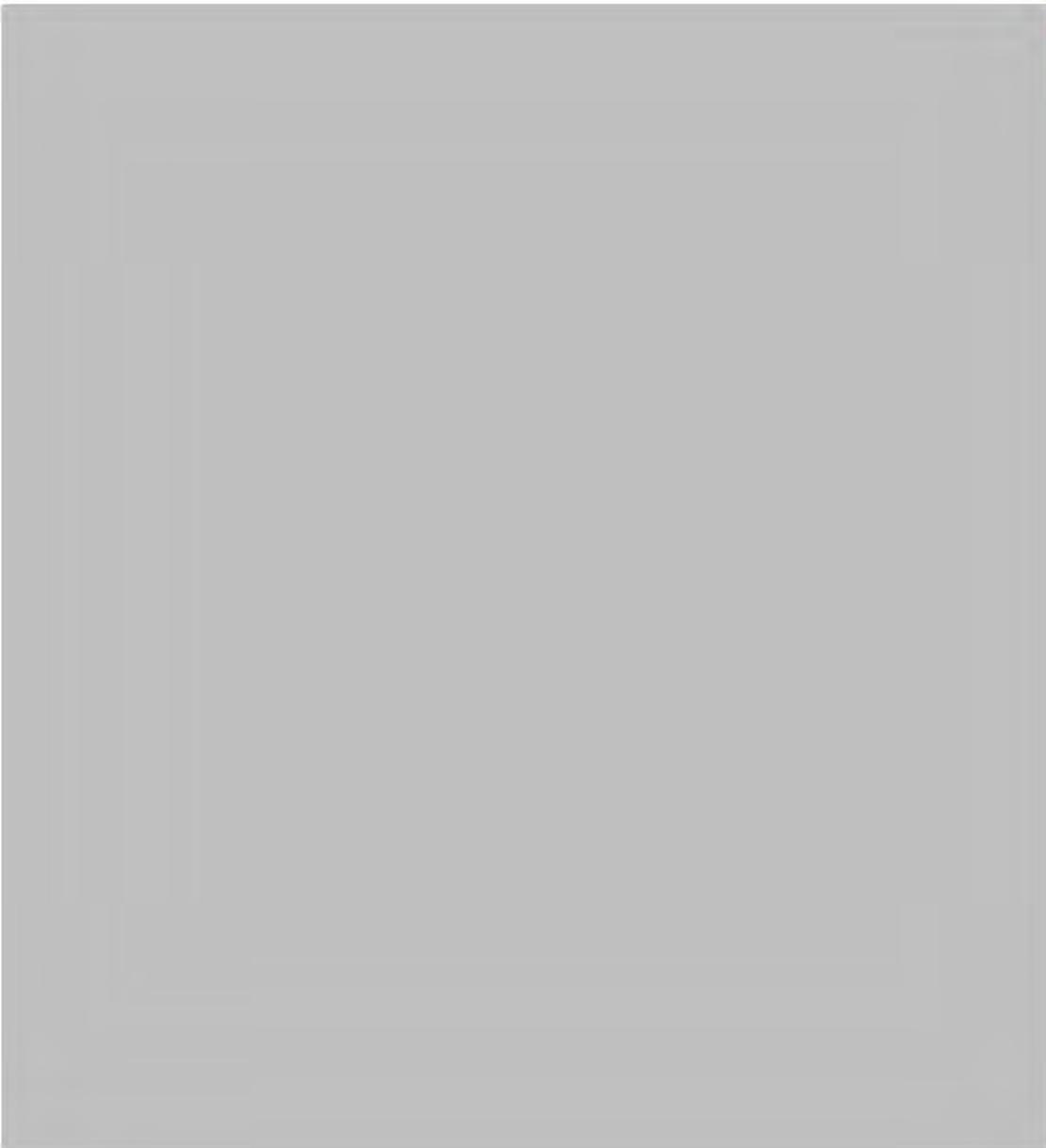
Thanks

Rebecca Hobbs | Senior Adviser
02 6207 2413 | 0435 095 234

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



I acknowledge the traditional custodians of the land, the Ngunnawal people, and pay my respect to their Elders past, present and emerging.



Access
Canberra.

Forwarded By: Senior Director, Non-government Education Regulation - lynda.tooth@act.gov.au

Incident Reference # [REDACTED]

Subject: Breach of Section 105 of Education Act

Date Created: 27/01/2020 11.27 AM

Note By (Senior Director, Non-government Education Regulation) (03/02/2020 02.16 PM)
Copy of signed ltr from Danielle Krajina also added as an attachment to this file.

LT

Response By Email (Senior Director, Non-government Education Regulation) (03/02/2020 02.14 PM)

Good afternoon [REDACTED]

Please find below a reply to your email from Ms Danielle Krajina.

Lynda Tooth
Senior Director
Non-government Education Regulation



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

Note By (Senior Director, Non-government Education Regulation) (29/01/2020 05.17 PM)
Proposed response ...

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

etc.

Note By (Senior Director, Non-government Education Regulation) (29/01/2020 05.09 PM)

[Redacted]

Addressed by Ministerial letter

Customer By CSS Web [Redacted] (27/01/2020 11.27 AM)

For the attention of Danielle Krajina, Registrar

[Redacted]

[Redacted]

[Redacted]

Additional Incident Details

Status: Resolved

Category: Liaison Unit

Type of Correspondence: Complaint

Street:

Suburb:

Postal Code:

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Freedom of Information Act 2016, Schedule 2.2(a)(xvi).



Access
Canberra.

Forwarded By: Senior Director, Non-government Education Regulation - lynda.tooth@act.gov.au

Incident Reference # [REDACTED]

Subject: Exclusion of Enrolment

Date Created: 21/01/2020 07.26 AM

Response By Email (Senior Director, Non-government Education Regulation) (03/02/2020 03.01 PM)

Good afternoon [REDACTED]

I understand the Minister is responding to you separately; and I have attached to another record Ms Krajina's response to you. This response relates to decision making under the *Education Act 2004*.

As I am confident that responses from Minister and Ms Krajina will address the concerns you raise, I will close the records that relate to your current correspondence with the Education Directorate. I remain

available if you require further assistance.

Lynda Tooth
Senior Director
Non-government Education Regulation.

Note By (Senior Director, Non-government Education Regulation) (22/01/2020 10.29 AM)
Complaint being handled under Complaint made to the Minister

LT

Customer By CSS Web [REDACTED] (21/01/2020 07.26 AM)

Further to our complaint lodged yesterday [REDACTED]
[REDACTED]
[REDACTED]

Two documents attached.

Additional Incident Details

Status: Resolved

Category: Liaison Unit

Type of Correspondence: Complaint

Street:

Suburb:

Postal Code:

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Access
Canberra.

Forwarded By: Senior Director, Non-government Education Regulation -
lynda.tooth@act.gov.au

Incident Reference # [REDACTED]

Subject: Exclusion of Enrolment

Date Created: 21/01/2020 09.05 PM

Note By (Senior Director, Non-government Education Regulation) (03/02/2020 03.03 PM)
 See [REDACTED]

Note By (Senior Director, Non-government Education Regulation) (29/01/2020 05.08 PM)
 [REDACTED]

Response By Email (Senior Director, Non-government Education Regulation) (29/01/2020
 04.55 PM)

Good afternoon [REDACTED]

Thank you for your question about enrolment contracts in non-government schools.

Although the Act provides clear guidelines relating to the exclusion of students relating to student misbehaviour; non-government schools often develop enrolment contracts which may include other reasons for the terminating the enrolment contract made with parents.

Such matters are not covered in the *Education Act 2004*.

I hope this answers your question.

regards
Lynda Tooth
Senior Director
Non-government Education regulation
ACT Education

Note By (Senior Director, Non-government Education Regulation) (22/01/2020 10.24 AM)
Advice sought from Legal Liaison section re best approach.

LT
Customer By CSS Web [REDACTED] (21/01/2020 09.05 PM)
Further to my earlier complaint [REDACTED]

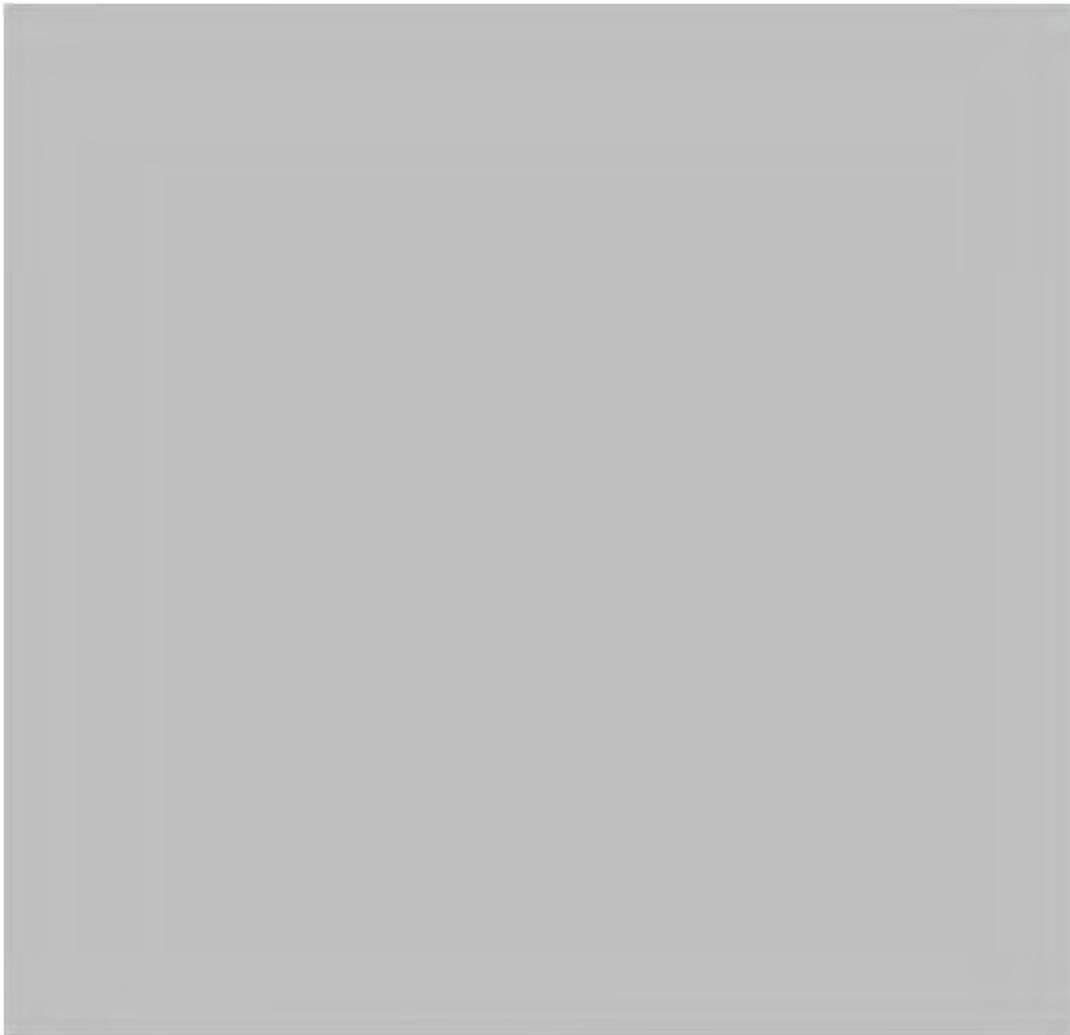
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

With thanks
[REDACTED]

Additional Incident Details

Status: Resolved
Category: Liaison Unit
Type of Correspondence: Request for Information
Street:
Suburb:
Postal Code:

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Forwarded By: Senior Director, Non-government Education Regulation - lynda.tooth@act.gov.au

Incident Reference # [REDACTED]

Subject: Exclusion of Enrolment

Date Created: 20/01/2020 03.37 PM

Note By (Senior Director, Non-government Education Regulation) (03/02/2020 03.03 PM)
See [REDACTED]

Note By (Senior Director, Non-government Education Regulation) (22/01/2020 10.27 AM)
Complaint also raised with Minister; response will come from Minister.

21/01/2020 I spoke with complainant and confirmed that EDU and Minister had received complaint and a response would be provided as soon as possible.

LT

Customer By CSS Web [REDACTED] (20/01/2020 03.37 PM)

[REDACTED]
[REDACTED]
[REDACTED]

[Redacted text block containing multiple paragraphs of obscured content]

Additional Incident Details

Status: Resolved
Category: Liaison Unit
Type of Correspondence: Complaint
Street:
Suburb:
Postal Code:

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CHIEF MINISTER'S TALKBACK – HOT ISSUES

Complete and accurate as at:

4 February 2020

ISSUE: **Brindabella Christian College**

Talking points/response

- Brindabella Christian College (BCC) registration was renewed as an ACT non-government school in 2018, at which time a financial viability assessment was undertaken. It was on that basis the panel made the recommendation to register the school for a period of five years.
- Concerns have been raised by a number of parents directly to the Education Directorate and the Minister regarding transparency and conduct of the School Board.
- The P&F of the school has written formally to the Board seeking mediation and a review of governance.
- Parents from the P&F of the school has also met with the Minister for Education and Early Childhood Development.
- The Minister is taking the concerns seriously and the Directorate is currently working with the school to ensure their compliance with their conditions of registration.

Background

BCC operates two campuses in the ACT and is registered under the Education Act to operate as a non-government school. In 2018 the school was re-registered and met the conditions of registration for a further five-year period.

Non-government schools are required to report to the Education Directorate on their enrolments into and transfers from the school. Enrolment numbers are fundamental [REDACTED]

The Education Directorate has completed an Authorised Person inquiry under the *Education Act 2004* in relation to the school's compliance with their obligations to report student transfers to the Education Directorate. The Directorate is working with the school to respond to issues of non-compliance that have been identified.

Contact Officer: Brenton Sloane

Ext: 54196

From: [Krajina, Danielle](#)
To: [Tooth, Lynda](#)
Subject: FW: Oa. Brindabella Christian College
Date: Friday, 7 February 2020 12:29:34 PM
Attachments: [Oa. Brindabella Christian College.DOCX](#)
[image001.png](#)

UNCLASSIFIED

Sorry for your records. I have a media question also that was settled yesterday that I will send also.

Danielle

Executive Branch Manager, Governance and Community Liaison | Education | ACT Government
Senior Executive for Business Integrity Risk (SERBIR)
02 6207 2990 | Danielle.krajina@act.gov.au
Level 6 220 Northbourne Avenue Braddon | GPO Box 158 Canberra ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)



From: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Sent: Friday, 7 February 2020 12:28 PM
To: EDUMCR <EDUMCR@act.gov.au>; Page, Vicki <Vicki.Page@act.gov.au>
Cc: Krajina, Danielle <Danielle.Krajina@act.gov.au>; Nott, Georgia <Georgia.Nott@act.gov.au>
Subject: Oa. Brindabella Christian College

UNCLASSIFIED

Hi there

I have updated, but this is one David may wish to see. Even as a drop copy.

Portfolio/s: Education and Early Childhood Development

ISSUE: **Brindabella Christian College (BCC) – Compliance concerns**

Background:

- During 2019 both the Minister of Education and the Education Directorate received complaints from members of the BCC parent community about the actions of the school's board, and a large number of staff and student departures.
- The Directorate undertook an authorised person inspection, reviewed information and data provided by the school to determine if they are breaching any conditions of registration.
- The Registrar for Non Government Schools in November 2019 requested further information from the school, this was provided in early January 2020.
- That additional information is currently being reviewed.
- A new concern was raised by a family in January 2020 in relation to the expulsion of their children from the school.
- While the Education Act ensures procedural fairness where an exclusion is based on a student's behaviour, this does not prevent non-government schools from excluding a student for other reasons such as parental conduct and other factors.
- Non Government Schools can establish their own enrolment guidelines. A decision to suspend or exclude a student is at the discretion of the Principal.

Key Information

- On 8 October 2019 the Registrar requested of the BCC principal and the board chair provide for inspection by authorised persons, some information was provided and based upon that information and assessment further information was requested.
- This additional information is currently being considered by the Directorate, who will advise if any further actions are required.
- The ACT Government does not have legislated powers to intervene in disputes between non-government school parents and schools unless the school or its proprietor (also known as the school board or Approved Authority) is non-compliant with a condition of registration or another section of the Act.
- The ACT Government can enforce a breach of the Education Act by a private school through initiating a process of cancelling registration, however, the issue at hand **is not** a breach. It is a contractual issue between the school and the parents. The basis on which the student has been removed from the school does not relate to the child's behaviour, it relates to a contract issue and therefore sits outside the Education Act.

From: [King, Ashley](#) on behalf of [Education DLO](#)
To: [Tooth, Lynda](#); [Krajina, Danielle](#)
Subject: RE: Further parent communication re BCC
Date: Friday, 7 February 2020 3:57:56 PM

UNCLASSIFIED

Thanks Lynda

Mr Ashley King | Director
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

From: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Sent: Friday, 7 February 2020 3:40 PM
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Cc: Education DLO <EDUDLO@act.gov.au>
Subject: Further parent communication re BCC

Danielle and Ashley
FYI

Please find below my notes from a quite intense conversation this afternoon with [REDACTED]
I anticipate a letter will be written to the Minister.

Regards

Lynda

Lynda Tooth | Senior Director Non-government Education Regulation | Email:
lynda.tooth@act.gov.au
Phone: +61 2 6205 8321

From: Senior Director, Non-government Education Regulation <lynda.tooth@act.gov.au>
Sent: Friday, 7 February 2020 3:35 PM
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Subject: FWD: dis-satisfaction with legal options

ACT Government logo



Forwarded By: Senior Director, Non-government Education Regulation -
lynda.tooth@act.gov.au

Incident Reference # [REDACTED]**Subject:** dis-satisfaction with legal options**Date Created:** 07/02/2020 03.30 PM

Note By (Senior Director, Non-government Education Regulation) (07/02/2020 03.30 PM)

[REDACTED] rang 7/2/2020 and requested a return phone call.

I placed the phone call at 14:20 7/2/2020.

Durina our phone conversation [REDACTED]

[REDACTED] NGS; and particularly as NGS are r uired to have polices for the safety and welfare of students but BCC was able to apply the terms of its enrolment contract [REDACTED].

I suggested [REDACTED] write to the Minister as it would enable the Minister to consider whether any changes to the requirements of NGS would be appropriate.

[REDACTED] I explained that the Minister had two powers under the Act [REDACTED] to approve the registration of a NGS or cancel the registration of a NGS ... [REDACTED]

LT

Additional Incident Details**Status:** Resolved**Category:** Liaison Unit**Type of Correspondence:** Notification**Street:****Suburb:****Postal Code:**

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From: [BERRY](#)
To: dan.tehan.mp@aph.gov.au
Subject: Letter from Minister Berry
Date: Friday, 7 February 2020 5:02:18 PM
Attachments: [20200207165131824.pdf](#)
[image001.png](#)
[image002.png](#)

Dear Minister,
Please see attached letter from Minister Yvette Berry.
Kind regards,
Brooke Hendry | Office Manager
Phone: +61 2 6205 0233

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



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Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*



Yvette Berry MLA

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 Sport and Recreation

Minister for Women

Member for Ginninderra

The Hon Dan Tehan MP
Minister for Education
Parliament House
CANBERRA ACT 2600

Dear Minister

Den

I am writing to you on behalf of [REDACTED]
Canberra non-government school Brindabella Christian College. I am asking that you consider what actions the Commonwealth Government may be able to take as the majority funder of the school.

Unlike ACT public schools which are compelled by the *Education Act 2004* (ACT) to enrol children living in the local area, the enrolment of students in a non-government school is a commercial arrangement governed by the contract entered into between the school and a family. A decision to suspend or expel a student is at the discretion of the principal. While section 105 of the *Education Act 2004* (ACT) ensures procedural fairness where an exclusion is based on a student's behaviour, this does not prevent non-government schools from excluding a student for other reasons as per a contract, [REDACTED]. Given the circumstances I have no power under the *Education Act 2004* (ACT) that would allow me to intervene.

I understand the family has also written to you in your capacity as Minister for Education, and I am hopeful that you can consider what actions the Commonwealth could take.

The Education Directorate continues to engage with the school in relation to their obligations to meet their conditions of registration. This is an ongoing process.

Thank you for your consideration of this matter.

Yours sincerely,

[REDACTED]
Yvette Berry MLA
Minister for Education and Early Childhood Development

7 FEB 2020

ACT Legislative Assembly

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

Phone +61 2 6205 0233 Email berry@act.gov.au



@YvetteSBerry



YvetteSBerry



yvettesberry



This document is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(xvi).

From: [Krajina, Danielle](#)
To: [Tooth, Lynda](#)
Cc: [Krajina, Danielle](#)
Subject: FW: [REDACTED] Brindabella Christian College [REDACTED]
Date: Tuesday, 11 February 2020 10:22:40 AM
Attachments: [Yvette Berry letter.docx](#)
[BCC Enrolment Agreement 2019.pdf](#)
[BCC Enrolment Policy 2019.pdf](#)
[\[REDACTED\].png](#)
[BSSS Advice 1im.png](#)
[\[REDACTED\].png](#)
[April & Yvette Berry.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

UNCLASSIFIED For-Official-Use-Only

Hi there

What process did you provide the family information about?

Danielle

Executive Branch Manager, Governance and Community Liaison | Education | ACT Government
 Senior Executive for Business Integrity Risk (SERBIR)
 02 6207 2990 | Danielle.krajina@act.gov.au
 Level 6 220 Northbourne Avenue Braddon | GPO Box 158 Canberra ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)



From: King, Ashley <Ashley.King@act.gov.au> **On Behalf Of** Education DLO
Sent: Tuesday, 11 February 2020 9:12 AM
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Cc: EDUMCR <EDUMCR@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>; Families and Students <familiesandstudents@act.gov.au>; Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: [REDACTED] Brindabella Christian College [REDACTED]

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Hello

Title/Question	Ongoing Concerns Brindabella Christian College [REDACTED]
Action	Ministerial Response please
Responsibility	G&CL
Response type	Letter
TRIM	[REDACTED]
Date due	MO 25/2/20
Clearance	EGM BS

Comment

Previous [REDACTED]

Please contact Ashley King at EDUDLO@act.gov.au if you have questions.

Ashley
X50291

From: BERRY <BERRY@act.gov.au>
Sent: Tuesday, 11 February 2020 8:47 AM
To: Education DLO <EDUDLO@act.gov.au>
Cc: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: FW: Brindabella Christian College [REDACTED]

Hi Ashley,

Please see below/ attached correspondence related to Education. For appropriate action/response.

Thanks,

Brooke

Brooke Hendry | Office Manager
Phone: +61 2 6205 0233

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



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Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*

From: [REDACTED]

Sent: Tuesday, 11 February 2020 8:09 AM

To: BERRY <BERRY@act.gov.au>

Cc: dan.tehan.mp@aph.gov.au; advice@acnc.gov.au

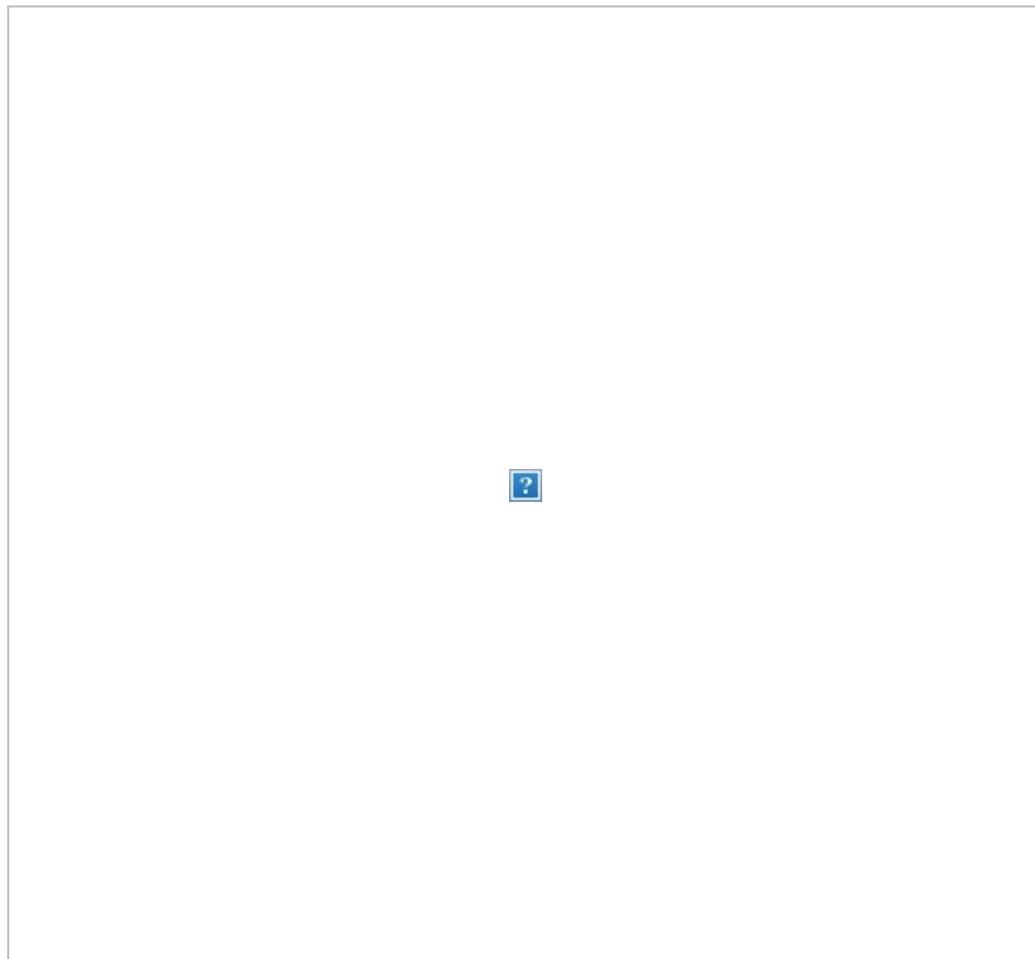
Subject: Brindabella Christian College [REDACTED]

For the attention and urgent action of Minister Berry:

Also for the urgent attention of the Honourable Dr Gary Jones, Commissioner ACNC and Federal Minister for Education Dan Tehan, please find attached letter from parents [REDACTED] and associated documents for [REDACTED] reference.

[REDACTED]

[REDACTED]



10th February, 2020

TO: ACT Education Minister, Ms Yvette Berry
(cc Ms Danielle Krajina & Ms Lynda Tooth)

Dear Minister Berry,

Re: Brindabella Christian College (BCC) & [REDACTED]

[REDACTED].

As you have correctly acknowledged, it is an extremely difficult situation we find ourselves in and we are struggling to find our way through a myriad of processes and regulators to obtain help [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Thankyou Lynda Tooth for reaching out to clarify the matter of Internal Review Processes. It is good to have a better understanding though I am

perplexed by the Directorates inability to engage in this matter. [REDACTED]

Independent School & Registration Process

[REDACTED]

The BCC Board has demonstrated for some time now that they act unilaterally, outside of the scope of their responsibility and unlike any other Independent School in the ACT. The school has attracted a lot of media attention over the past year and the Directorate is fully aware of [REDACTED] previous complaints raising alarm about their governance practices and impact on children at the school as well as many other complaints lodged by numerous families at the school.

Significantly the [REDACTED] of [REDACTED] Principal last July, 2019 along with the [REDACTED] and 20 plus teachers the care and welfare of the children was thrown into uncertainty yet again. [REDACTED] [REDACTED] both cited governance interference and lack of transparency and accountability as reasons for their resignations.

The turmoil at this school is well known and now we see the drastic act of termination of [REDACTED] education due to the failing of any regulator or Minister to step in and assist despite pleads for help for months.

The BCC Board in its action to terminate our enrolment has highlighted a failing of a fundamental requirement of educational institutions and services, being the protection of children from harm in ALL circumstances. This requirement to **protect children** is not contractual we assert, but the responsibility of the Ministers Office and all government, elected and appointed to ensure the welfare and safety of us and our children.

Welfare of Children First and Foremost

It is for this reason I am directing my enquiry and seeking a response directly from yourself, Minister Berry with whom the responsibility lies to Register Schools and ensure they meet their obligations in achieving that Registration and beyond.

Protection of children first and foremost, is clearly outlined in Australia's National Principles for Child Safety, the Human Rights Act and Discrimination Act as well as a requirement clearly stated in the Education Act 2004 Section 75 c(i) AND Section 86 (6) and 88 (6) in regards the Registration Compliance Requirements for Non-Government Schools.

[REDACTED]

The BCC Board writing this into their Policy and Procedure as an option to use as a means to remedy and dismiss unwanted concerns expressed by parents through the very process and policy put in place to provide accountability in Independent Schools, namely their Complaints Policy and Child Welfare Policy's is shameful and does not represent the values we have seen elsewhere in the school.

[REDACTED]. What is all the more alarming is that the school achieved Registration from your office with these policies in place.

Regardless of the nature of the matter, [REDACTED] contradicts all the policy and protection in place to ensure the interests of students and children are held FIRST before that of the institution providing child services.

It is the very fact the school is functional and operational, that we as parents believe we are placing our children into regulated and protected care.

We seek formal response from the Minister's Office in regards:

How was an Independent School approved for Registration with a policy in place allowing it to elevate its own interests (namely reputation and avoidance of any accountability in the case of BCC) above the care and welfare of its students?

I note the Directorate's clear advice that under Section 105 and Sections 140-144 they have no power to act, and I also note however, Minister Berry's letter to BCC parent, [REDACTED] 5/11/19 stating the requirements of Independent Schools to gain Registration, including the requirement to provide "appropriate policies....for the safety and welfare of students".

I respectfully wish to draw the Directorates attention to BCC's School Policies approved in the Registration Process August, 2018. These are provided as an attachment in summary of relevant clauses. Below however, we also provide BCC's Enrolment Policy and Agreement which contradicts all the other policies in terms of care and welfare of children.

BCC's Enrolment Policy and Agreement, unlike their other policies, clearly places the interests of the College (namely reputation and avoidance of accountability processes) above the interests of the child/student, namely continuity of education, safety and security, welfare and support network of teachers and peers, every chance at academic success and active involvement in the community.

In particular we draw your attention to the relevant clauses:

BCC Enrolment Policy and Agreement (As approved by BCC Board on 13/3/18)

Clause 4.4 Discretion to Expel state:

“A student may be asked to leave BCC if:

- They breach the enrolment contract,
- The conduct of their parents, guardians or carers brings BCC, its Board Members, its executive, teachers or staff into disrepute, or the parent, guardian or carer fails to comply with BCC rules and policies.”

Clauses 14 & 15 of the BCC Enrolment Agreement states:

“We agree to act in the best interests of the College at all times throughout the duration of the child’s schooling, and agree to seek to positively support the College, its Board and its staff”

“We will not disparage the College, its Board and its members, staff and students to others or make adverse comment harmful to the College or its reputation”.

How can these clauses co-exist with the Schools Child Protection Policy CPP (Clauses 3, 4 & 5 listed below) which states:

In Clause 3 of the CPP, BCC clearly demonstrates it submits to the Education Act Section 75 c(i) AND Section 86 (6) b(ii)

Section 86 of Provisional Registration as well as Section 88 (6) Registration, specifically requires the school hold “appropriate policies, facilities and equipment for **the safety and welfare of its students**” and (h) complies with criteria prescribed by regulation.

In Clause 4 of the CPP, BCC states it “will uphold the following principles under this policy” as noted

- **“Protection from harm & the risk of harm** as fundamental to maximising students spiritual, intellectual, emotional, social, physical potential”.
- The **welfare and best interests of the child/student** will always be PRIME CONSIDERATION.
- Ensure there are NO REPRISALS AGAINST STUDENTS OR OTHERS MAKING COMPLAINT
- Student management practices are administered with RESPECT and in a manner that maintains the STUDENTS DIGNITY.”

We emphasise, none of the clauses and policy designed to protect children and available to the BCC Board to utilise have been followed in this instance of termination.

As would have been noted by the Ministers Office, BCC also undertakes in its Child Protection Policy (thereby achieving compliance), that it will:

In Clause 5: of the CPP, the “College will be guided by the following:

The Principles of natural justice will apply to decisions to be made under this policy. These principles include unbiased decisions and **opportunity for the accused to be advised of allegations and afforded the opportunity to have a fair hearing.**”

In summary, could the Ministers Office please answer the following specifically: -

1. What processes did the Ministers Office undertake to grant registration to Brindabella College to ensure they met their obligations under the Act, specifically “appropriate policies, facilities and equipment for the safety and welfare of students”?
2. What BCC policies were provided and reviewed by the Ministers Office?
3. In the opinion of the Minister, when there is a contradiction of interests, whose interests are the priority, the child’s or the Child Services Institution, or specifically in the case of Brindabella, the interests of the Proprietor?
4. Does the Ministers Office require compliance of policies submitted for Registration? How does the Ministers Office assess compliance?
5. Given numerous complaints have been lodged by parents with the ACT Directorate over many months now in regards specifically the governance of the school, how is the Ministers Office responding to protect the welfare of children in this particular school.
6. What is the Ministers Office doing to protect children from BCC carrying out this action [REDACTED] against other families in the school?

Yours faithfully

[REDACTED]

Cc:
Minister for Education, Dan Tehan
The Hon Dr Gary Jones, Commissioner, ACNC.
Senator Zed Sesleja, Minister for Charities



Enrolment Agreement

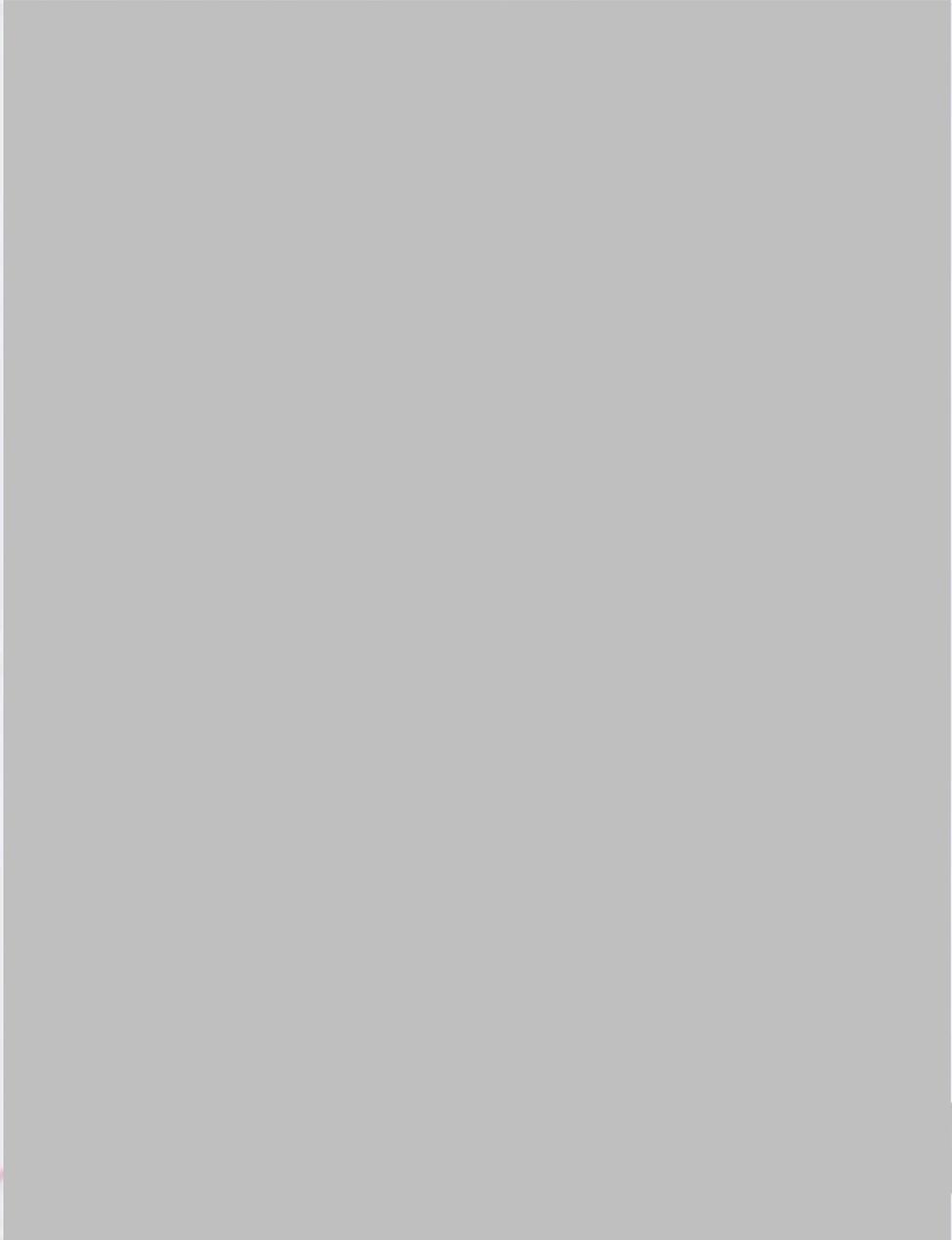
Between: Brindabella Christian Education Limited, 136 Brigalow St, Lyneham, ACT (the "College"), and

_____, parent(s)/guardian(s) of _____
(insert your name(s)) (the child)

(Street address) (Suburb) (State)









BRINDABELLA

CHRISTIAN COLLEGE

CANBERRA

Enrolment Policy

Updated: March 2019 Review: March 2020

[Redacted]

[Redacted]

[Redacted]

[Redacted]





LINDARELLA
COLLEGE

Enrolment Policy

Statement in support of [redacted]

[redacted]

[redacted]

Brindabella Christian College has had significant media attention, particularly over the last few years with numerous high profile resignations or removals of senior staff, as well as a high turnover of teaching staff. As a result, the parent body of the school have asked a series of questions regarding the operations of the school and the reasons behind the high turnover of staff and executive. As fee paying parents seeking additional information is entirely reasonable.

I am aware that [redacted] have asked a series of questions of the school via a formal process. [redacted]

[redacted]

Brindabella has a number of policies in place to deal with both complaints and to protect children.

[redacted]. The school's June 2018 version of the Complaints Policy, as outlined on the schools website states in para 1 that, 'It is the belief of the College that a process for the acceptance, monitoring and resolution of conflicts, complaints and concerns is in the best interests of maintaining a harmonious, supportive and productive College community.' The Policy also outlines in para 2 its responsibilities under the Education Act 2004 (ACT), Section 94. Para 6 outlines the actions the school will ensure during the investigation of complaints and states in para 6.9 that;

'Students are not to receive adverse treatment because they or their parents made a complaint.'

Additionally, the schools Child Protection Policy states in para 4 that Brindabella Christian College will uphold the following principles under this policy:

'Ensure that there are no reprisals against students or others making a complaint, and

The welfare and best interests of the child/student will always be a prime consideration'

All of these policy principles appear to be inconsistent with the actions of the college [redacted]

[Redacted]

This action by the school also appears to be in direct conflict with the school’s own policy statement in its Complaints Policy which states;

‘Brindabella Christian College views complaints and concerns as part of an important feedback and accountability process’

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

the 1990s, the number of people with diabetes has increased in all industrialized countries, and this increase is continuing at a rapid rate.

Diabetes is a chronic disease, and the long-term complications of diabetes are a major cause of morbidity and mortality. The most common complications are retinopathy, nephropathy, neuropathy, and cardiovascular disease. The prevalence of these complications increases with the duration of diabetes and the degree of glycaemic control.

The aim of this review is to discuss the pathogenesis of the long-term complications of diabetes and to review the current management strategies to prevent or delay their onset.

The review is divided into two parts. The first part discusses the pathogenesis of the long-term complications of diabetes, and the second part reviews the current management strategies to prevent or delay their onset.

The pathogenesis of the long-term complications of diabetes is complex and multifactorial. It involves both metabolic and non-metabolic factors.

The metabolic factors include hyperglycaemia, hyperlipidaemia, and hypertension. These factors are thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Hyperglycaemia is the most important metabolic factor in the pathogenesis of the long-term complications of diabetes. It is thought to contribute to the development of these complications through several mechanisms.

Firstly, hyperglycaemia leads to the formation of advanced glycation end products (AGEs). These products are thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Secondly, hyperglycaemia leads to the formation of reactive oxygen species (ROS). These species are thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Thirdly, hyperglycaemia leads to the activation of the renin-angiotensin system (RAS). This system is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Fourthly, hyperglycaemia leads to the activation of the nuclear factor- κ B (NF- κ B) pathway. This pathway is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Hyperlipidaemia is another important metabolic factor in the pathogenesis of the long-term complications of diabetes. It is thought to contribute to the development of these complications through several mechanisms.

Firstly, hyperlipidaemia leads to the formation of atherosclerotic plaques. These plaques are thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Secondly, hyperlipidaemia leads to the activation of the RAS. This system is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Thirdly, hyperlipidaemia leads to the activation of the NF- κ B pathway. This pathway is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Hypertension is another important metabolic factor in the pathogenesis of the long-term complications of diabetes. It is thought to contribute to the development of these complications through several mechanisms.

Firstly, hypertension leads to the development of atherosclerotic plaques. These plaques are thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Secondly, hypertension leads to the activation of the RAS. This system is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Thirdly, hypertension leads to the activation of the NF- κ B pathway. This pathway is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

The non-metabolic factors include insulin resistance, obesity, and chronic inflammation. These factors are thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Insulin resistance is a key feature of the metabolic syndrome, and it is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Obesity is another key feature of the metabolic syndrome, and it is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

Chronic inflammation is a key feature of the metabolic syndrome, and it is thought to contribute to the development of the long-term complications of diabetes through several mechanisms.

The current management strategies to prevent or delay the onset of the long-term complications of diabetes are based on the control of the metabolic and non-metabolic factors.

The most important strategy is the control of glycaemia. This can be achieved through the use of insulin and oral hypoglycaemic agents.

Other important strategies include the control of lipids, blood pressure, and weight. These can be achieved through the use of statins, antihypertensives, and lifestyle modifications.

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 Sport and Recreation

Minister for Women

Member for Ginninderra

Thank you for meeting with me and for your email of 17 September 2019 providing further information about your concerns regarding Brindabella Christian College.

As you know, I am responsible for the registration of ACT non-government schools under the *Education Act 2004* (the Act). As such I work where possible in a supportive and collaborative way with all non-government schools to ensure they continue to meet their obligations under the Act.

The Education Act requires the following of schools:

- The proprietor of the school is incorporated
- The school has appropriate policies, facilities and equipment for the safety and welfare of students and the curriculum provided for students
- The curriculum meets the requirement for those children attending a government school
- The nature and content of the education is appropriate
- The teachers are appropriately qualified
- The school is monitoring educational outcomes, and
- The school is financially viable

The type of evidence required is based upon the knowledge and experience of a panel of appropriately qualified members including educators. The Act does not currently mandate specific standards for assessing compliance of the conditions of registration. The financial viability of a school is independently assessed at least every five years for registration renewal or in the case of an application to expand year groups.

I take the concerns raised by the school community seriously and I have asked the Directorate to have an authorised person undertaking a series of inquiries with the school to determine if there are any contraventions of the conditions of registration or other sections of the Act by the school or its proprietor.

ACT Legislative Assembly

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

Phone +61 2 6205 0233 Email berry@act.gov.au



@YvetteSBerry



YvetteSBerry

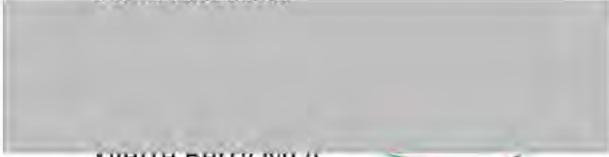


yvettesberry

While the Directorate is unable to intervene or consider matters outside of the conditions of registration under the Education Act, I am advised the Directorate has referred a number of the concerns raised in your letter to Worksafe ACT and Access Canberra.

I do appreciate you raising your concerns with me and I will endeavour to undertake appropriate inquiries to determine if the school is contravening any of its conditions of registration.

Yours sincerely,



Yvette Berry MLA
Minister for Education and Early Childhood Development

5 NOV 2019

From: [Krajina, Danielle](#)
To: [Tooth, Lynda](#)
Subject: RE: Response to request for information about responses I provided to [REDACTED] re [REDACTED] Brindabella Christian College [REDACTED]
Date: Tuesday, 11 February 2020 6:28:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Thank you

Danielle

Executive Branch Manager, Governance and Community Liaison | Education | ACT Government
 Senior Executive for Business Integrity Risk (SERBIR)
 02 6207 2990 | Danielle.krajina@act.gov.au
 Level 6 220 Northbourne Avenue Braddon | GPO Box 158 Canberra ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)



From: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Sent: Tuesday, 11 February 2020 11:11 AM
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Subject: Response to request for information about responses I provided to [REDACTED] re [REDACTED] Brindabella Christian College [REDACTED]

Danielle

Our CRM records my interactions with [REDACTED] on a number of occasions (September 2019 – February 2020).

As requested the CRM records show that I have provided the following information about processes:

- 7/2/2020 [REDACTED])
 - [REDACTED] rang to speak with me, stating that BCC's decision [REDACTED] was contrary to their requirement to have policies for the safety and welfare of students.
 - I explained that the Minister had two powers under the Act ... to approve the registration of a NGS or cancel the registration of a NGS ... and that no powers to require the re-enrolment of students were included in the Act.
 - I provided this information to you by email on 7/2/2020
- 3/2/2020 [REDACTED])
 - [REDACTED] sought information about Sn 105 of the Act [REDACTED] and Sn 140 – Internal Review provisions
 - I forwarded a response cleared by you which clarified the provisions of Internal Reviews under the Act
- 21/1/2020 [REDACTED])
 - [REDACTED] sought information about whether termination of enrolment was a breach of the *Education Act 2004*

I provided the following written response:

Although the Act provides clear guidelines relating to the exclusion of students relating to student misbehaviour; non-government schools often develop enrolment contracts which may include other reasons for the terminating the enrolment contract made with parents. Such matters are not covered in the *Education Act 2004*.

- 21/1/2020 [REDACTED]
[REDACTED].
 - On 3/2/2020 I responded to the 21/1/2020 correspondence and referred to the response previously provided [REDACTED] and the Minister's response.
- 21/1/2020 [REDACTED]
 - [REDACTED]
 - I spoke with [REDACTED] and confirmed that EDU and Minister had received complaint and a response would be provided as soon as possible.
- 14/9/2019 [REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - 16/9/2019 I spoke with [REDACTED], suggested that the family contact BSSS - [REDACTED]
[REDACTED]
[REDACTED] - in light of allegations made by board. Indicated that this is not a matter covered under the conditions of registration / *Education Act 2004* - but I could not provide information as to whether the parents should, or should not, obtain legal advice.
 - 16/9/2019 I followed up the conversation with the following written summary:
 - During our conversation I explained the requirements of proprietors/boards of Education under the *Education Act 2004*, and the Directorate's role in ensuring ACT non-government schools are compliant with the *Education Act 2004*, including the conditions of registration which may be found in section 91 of the Act. As discussed you may wish to ring the Office of the Board of Senior Secondary Studies on (02) 6205 7181 to ascertain what options you have [REDACTED]. [REDACTED]
[REDACTED]
[REDACTED]
 - 18/9/2019 [REDACTED] provided screen shots of communication the family had with the [REDACTED] and asked acknowledgement of receipt.
 - 23/9/2019 I acknowledged receipt of 12 attachments.
 - 17/10/2019 [REDACTED] wrote to provide details of further interactions with the [REDACTED]
 - I invited [REDACTED] to ring to talk about [REDACTED] concerns ... no return phone call was logged.

Regards

Lynda

Lynda Tooth | Senior Director Non-government Education Regulation | Email:

lynda.tooth@act.gov.au

Phone: +61 2 6205 8321

From: Krajina, Danielle <Danielle.Krajina@act.gov.au>

Sent: Tuesday, 11 February 2020 10:23 AM
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Cc: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Subject: FW: [REDACTED] Brindabella Christian College [REDACTED]

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Hi there

What process did you provide the family information about?

Danielle

Executive Branch Manager, Governance and Community Liaison | Education | ACT Government
 Senior Executive for Business Integrity Risk (SERBIR)
 02 6207 2990 | Danielle.krajina@act.gov.au
 Level 6 220 Northbourne Avenue Braddon | GPO Box 158 Canberra ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)



From: King, Ashley <Ashley.King@act.gov.au> **On Behalf Of** Education DLO
Sent: Tuesday, 11 February 2020 9:12 AM
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Cc: EDUMCR <EDUMCR@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>; Families and Students <familiesandstudents@act.gov.au>; Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: [REDACTED] Brindabella Christian College [REDACTED]

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Hello

Title/Question	Ongoing Concerns Brindabella Christian College [REDACTED]
Action	Ministerial Response please
Responsibility	G&CL
Response type	Letter
TRIM	[REDACTED]
Date due	MO 25/2/20
Clearance	EGM BS
Comment	Previous [REDACTED] Please contact Ashley King at EDUDLO@act.gov.au if you have questions.

Ashley
 X50291

From: BERRY <BERRY@act.gov.au>
Sent: Tuesday, 11 February 2020 8:47 AM
To: Education DLO <EDUDLO@act.gov.au>
Cc: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: FW: Brindabella Christian College [REDACTED]

Hi Ashley,

Please see below/ attached correspondence related to Education. For appropriate action/response.

Thanks,

Brooke

Brooke Hendry | Office Manager
Phone: +61 2 6205 0233

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



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Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*

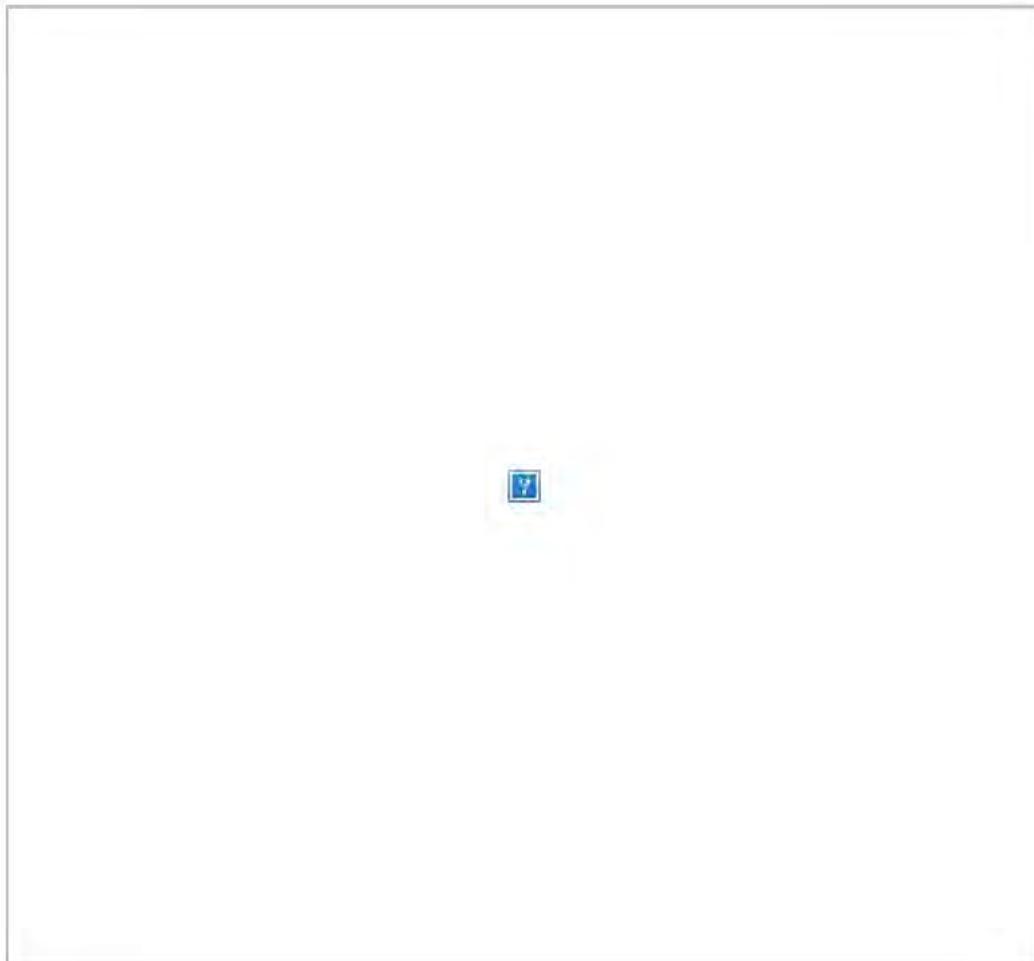
From: [REDACTED]
Sent: Tuesday, 11 February 2020 8:09 AM
To: BERRY <BERRY@act.gov.au>
Cc: dan.tehan.mp@aph.gov.au; advice@acnc.gov.au
Subject: Brindabella Christian College [REDACTED]

For the attention and urgent action of Minister Berry:

Also for the urgent attention of the [REDACTED] ACNC and Federal Minister for Education Dan Tehan, please find attached letter [REDACTED] and associated documents for [REDACTED] reference.

[REDACTED]

[REDACTED]



From: [BERRY](#)
To: [REDACTED]
Subject: Letter from Minister Berry
Date: Friday, 14 February 2020 12:40:05 PM
Attachments: [20200213172540146.pdf](#)
[image001.png](#)
[image002.png](#)

Dear [REDACTED],
Please see attached letter from Minister Yvette Berry.
Kind regards,
Brooke Hendry | Office Manager
Phone: +61 2 6205 0233

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
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Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*

Yvette Berry MLA**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 Sport and Recreation

Minister for Women

Member for Ginninderra

[REDACTED]

[REDACTED]

Thank you for your email of 25 January 2020 about [REDACTED] Brindabella Christian College.

The ACT Education Directorate works with all non-government schools to support them in meeting their obligations under the Act, and where appropriate takes regulatory action as provided for under the Act.

Unlike public schools which are compelled by the *Education Act 2004* (ACT) to enrol children living in the local area, the enrolment of students in Brindabella Christian College is a commercial arrangement governed by the contract entered between the school and a family. A decision to suspend or expel a student is at the discretion of the principal.

While section 105 of the *Education Act 2004* (ACT) ensures procedural fairness where an exclusion is based on a student's behaviour, this does not prevent non-government schools from excluding a student for other reasons as per a contract.

[REDACTED] I would like to assure you that the Directorate continues to work with the school to determine if they are continuing to meet their conditions of registration more broadly.

Thank you for raising this matter with me.

Yours sincerely,

[REDACTED]

Yvette Berry MLA
Minister for Education and Early Childhood Development

14 FEB 2020

ACT Legislative Assembly

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

Phone +61 2 6205 0233 Email berry@act.gov.au

@YvetteSBerry



YvetteSBerry



yvettesberry



CANBERRA

From: [Krajina, Danielle](#)
To: [EDU, EDBSD](#)
Cc: [Krajina, Danielle](#); [Tooth, Lynda](#); [Nott, Georgia](#)
Subject: DOT points for MINSET 19022020
Date: Thursday, 20 February 2020 7:55:12 AM
Attachments: [DOT points for MINSET 19022020.doc](#)

UNCLASSIFIED

Catherine

Dot points for Andrew as requested.

I have amended slightly.

Danielle

EDU Minister's Meeting

Date:	24 February 2020
Agenda item number:	Tbc
SET member:	Mr Parkinson
Division/Branch:	BSD
Clearance:	Danielle Krajina

Description:**Brindabella Christian College**

- During 2019 both the Minister of Education and the Education Directorate received complaints from members of the BCC parent community about the actions of the school's board, and a significant number of staff and student departures.
- The Directorate undertook an authorised person inspection, reviewed information and data provided by the school to determine if they are breaching any conditions of registration.
- The Registrar for Non-government Schools in November 2019 requested further information from the school, this was provided in early January 2020.
- The Directorate will be testing the accuracy of the BCC enrolment records by comparing the information they provided against the student transfer register and Census data.
- In January 2020 a new concern was raised by a family in relation [REDACTED].
- ACT Education obtained advice to determine if there was any action that could be taken under the Education Act, where it was determined it to be a contractual issue between the school and the parents.
- The ACT Government can enforce a breach of the Education Act (the Act) by a private school through initiating a process of cancelling registration; however, the issue at hand is not a breach. The basis on which [REDACTED], it relates to a contract issue and therefore sits outside the Act.
- The family has been advised to seek their own legal advice.
- The family has written to Minister Berry requesting her assistance to reverse the exclusion. The Minister is unable to intervene in this matter as it falls outside the Act.
- Minister Berry has written to The Hon Dan Tehan MP on behalf of the family to ask that he consider what actions the Commonwealth can take in response to this matter.

- [REDACTED]

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Freedom of Information Act 2016, Schedule 2.2(a)(xvi).

From: [Krajina, Danielle](#)
To: [Tooth, Lynda](#)
Subject: RE: BCC STR_Census data comparison.pdf
Date: Wednesday, 26 February 2020 6:09:52 PM
Attachments: [image001.png](#)

UNCLASSIFIED

Thank you

Will organise a catch up with Andrew, you and I to discuss next steps (based on your recommendations).

Danielle

Executive Branch Manager, Governance and Community Liaison | Education | ACT Government
Senior Executive for Business Integrity Risk (SERBIR)
02 6207 2990 | Danielle.krajina@act.gov.au
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From: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Sent: Wednesday, 26 February 2020 5:18 PM
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>
Subject: BCC STR_Census data comparison.pdf

Danielle

Please find attached our preliminary findings regarding BCC and its census returns.

Regards

Lynda

Lynda Tooth | Senior Director Non-government Education Regulation | Email:
lynda.tooth@act.gov.au
Phone: +61 2 6205 8321

From: [King, Ashley](#) on behalf of [Education DLO](#)
To: [Krajina, Danielle](#)
Cc: [Nott, Georgia](#); [Tooth, Lynda](#); [Families and Students](#); [EDUMCB](#); [EDU, EDBSD](#); [Hobbs, Rebecca](#)
Subject: [REDACTED] Brindabella Christian College complaint [REDACTED]
Date: Monday, 2 March 2020 12:17:00 PM

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Hello

Title/Question	Brindabella Christian College complaint [REDACTED]
Action	Ministerial Response please
Responsibility	G&CL
Response type	Letter
TRIM	[REDACTED]
Date due	MO 16/3/20
Clearance	EGM BS
Comment	Please contact Ashley King at EDUDLO@act.gov.au if you have questions.

Ashley
X50291

From: BERRY <BERRY@act.gov.au>
Sent: Monday, 2 March 2020 12:03 PM
To: Education DLO <EDUDLO@act.gov.au>; King, Ashley <Ashley.King@act.gov.au>
Cc: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: FW: Brindabella Christian College complaint
Please see below/attached correspondence related to EDU. For appropriate action/response.
Cheers

Abby

From: [REDACTED]
Sent: Friday, 28 February 2020 9:54 PM
To: BERRY <BERRY@act.gov.au>
Subject: Brindabella Christian College complaint

Dear Minister Berry

I write to you in your capacity as Minister for Education. I want to share my story with you about my involvement at Brindabella Christian College (BCC). [REDACTED]

[REDACTED]

In 2017, aspects of the school were in disarray as outlined in the Canberra Times article dated 29 November 2017 and 30 November 2017. This turmoil boiled over into 2018 and 2019 with more Canberra Times articles written on 24 July 2019, 23 August 2019, 8 October 2019, 14 December 2019 and 17 December 2019. The articles can be found doing a simple search on the Canberra Times website (<https://www.canberratimes.com.au/>).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

• Furthermore, due to BCC's poor management practices (which include very public and serious allegations of intimidation and bullying), the [REDACTED] of the College resigned from their roles in the span of just a few months. [REDACTED] failed to fill these vacancies within a reasonable period and did not provide adequate relief teachers. At times two classes were taught together by one teacher and students were forced to be supervised by unqualified parents.

[REDACTED]

• We attempted [REDACTED] to utilise the College's complaints policy and our complaints were not acknowledged by BCC, contrary to BCC's commitment to communicate with us. We wrote a letter of complaint dated [REDACTED], a petition signed by the parents of BCC dated 24 July 2019 and a response to [REDACTED] went unanswered by BCC.

[REDACTED]

Brindabella Christian College should be mandated to use parents' school fees and government funding to educate the children enrolled there. As you can see, it instead funds a series of lawyers and legal threats designed to protect its reputation and harm those that the school should be protecting – the most vulnerable – the children. We are aware of a number of other families being treated this way, receiving legal threats and summoning those families to ACAT.

The BCC Board is impenetrable, uncontactable, untouchable and unregulated. We have concerns about governance arrangements. It has been impossible to get any information from the BCC Board. It is near impossible for people to join the BCC Board and the BCC Board is not representative of the wider school community. The BCC Board does not have any members with an educational qualifications or background.

I am calling on the Government to strengthen its ability to deal with matters relating to schools like BCC. Please legislate to ensure an open and transparent Board structure and to cease funding schools that operate and behave like BCC. My situation is not unique, there are many other families in a similar situation. [REDACTED]

Thank you

[REDACTED]

From: [Krajina, Danielle](#)
To: [Sloane, Brenton](#)
Cc: [Tooth, Lynda](#); [EDU Media](#); [Larkin, Lyn](#); [Krajina, Danielle](#)
Subject: RE: FOR APPROVAL: Chief Minister's Talkback this Friday 6 March 2020
Date: Monday, 2 March 2020 4:12:07 PM

UNCLASSIFIED

Hi there

I have modified a little.

Complete and accurate as at:

2 March 2020

Talking points/response

- Brindabella Christian College (BCC) registration was renewed as an ACT non-government school in 2018, at which time a financial viability assessment was undertaken. It was on that basis the panel made the recommendation to register the school for a period of five years.
- Concerns have been raised by a number of parents directly with the Education Directorate and the Minister regarding transparency and conduct of the School Board.
- Recently new concerns have been raised [REDACTED]
[REDACTED]
[REDACTED]
- The Minister is taking the concerns seriously and the Directorate continues to work with the school to ensure their compliance with their conditions of registration.

Background

BCC operates two campuses in the ACT and is registered under the Education Act to operate as a non-government school. In 2018 the school was re-registered and met the conditions of registration for a further five-year period.

Non-government schools are required to report to the Education Directorate on their enrolments into and transfers from the school. Enrolment numbers are fundamental [REDACTED]
[REDACTED]

The Education Directorate has completed an Authorised Person inquiry under the Education Act 2004 in relation to the school's compliance with their obligations to report student transfers to the Education Directorate. The Directorate is working with the school to respond to issues of non-compliance that have been identified.

Contact Officer: Brenton Sloane

Ext: 54196

From: Sloane, Brenton <Brenton.Sloane@act.gov.au>
Sent: Monday, 2 March 2020 2:31 PM
To: Larkin, Lyn <Lyn.Larkin@act.gov.au>
Cc: EDU Media <EDU.Media@act.gov.au>
Subject: FW: For action/advice: Chief Minister's Talkback this Friday 6 March 2020

UNCLASSIFIED

Hi Lyn,

Please find attached suggested TPs for CMTKBK this Friday.

These TPs include points on:

- Brindabella Christian College



Note – the BCC ones require review by Danielle. 

Let me know if you approve of the attached.

Cheers,

Brenton Sloane | Assistant Director

Media and Communications | Education | ACT Government

P: (02) 6205 4196 | M: 0431 252 698 | E: brenton.sloane@act.gov.au

Level 6, 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601

www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#)

From: Penglis, Katy <Katy.Penglis@act.gov.au>
Sent: Monday, 2 March 2020 9:41 AM
To: Sloane, Brenton <Brenton.Sloane@act.gov.au>; Krajina, Danielle <Danielle.Krajina@act.gov.au>
Cc: EDU Media <EDU.Media@act.gov.au>; Nott, Georgia <Georgia.Nott@act.gov.au>; EDUMCR <EDUMCR@act.gov.au>; Short, Paul <Paul.Short@act.gov.au>
Subject: For action/advice: Chief Minister's Talkback this Friday 6 March 2020

UNCLASSIFIED

Hi all,

The next Chief Minister's Talkback for 2020 is on this Friday. Last time, briefs were prepared for the following topics:



For action:

1. Please let me know what topics we will provide briefs on this week.

If we are updating any of the above briefs to re-use, copies should be pulled from the CM talkback brief container dated 7 February 2020 – a TRIM link is attached.

2. Please arrange for talkback hot issues briefs to be prepared or updated and added to TRIM in link dated 6 March 2020 by **2pm tomorrow Tuesday 3 March 2020** to allow for clearances.
I have placed a copy of the template in the TRIM container for new briefs.

Please let me know if I need to liaise with any of the line areas to produce one or more of these hot issues briefs. Education.

Regards,

Katy Penglis | Ministerial Liaison Officer

Phone: +61 2 6205 9155 | Email: katy.penglis@act.gov.au

Ministerial and Commonwealth Relations | Education | ACT Government

Level 6, 220 Northbourne Avenue BRADDON ACT 2612 | GPO Box 158 Canberra ACT 2601

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From: [BERRY](#)
To: [REDACTED]
Subject: Letter from Minister Berry
Date: Tuesday, 31 March 2020 5:26:48 PM
Attachments: [20200331164532133.pdf](#)

Good morning

Please see attached letter from Minister Berry.

Kind regards

Abby Gallagher | Office Manager
Phone: +61 2 6205 0233 | Email: abigail.gallagher@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
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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 Sport and Recreation

Minister for Women

Member for Ginninderra

[REDACTED]

[REDACTED]

Thank you for your letter of 28 February 2020 about Brindabella Christian College (BCC). I apologise for the delay in responding.

I am responsible for the registration of ACT non-government schools under the *Education Act 2004* (the Act). The Act requires the following of non-government schools:

- The proprietor of the school is incorporated
- The school has appropriate policies, facilities and equipment for the safety and welfare of students and the curriculum provided for students
- The curriculum meets the requirement for those children attending a government school
- The nature and content of the education is appropriate
- The teachers are appropriately qualified
- The school is monitoring educational outcomes, and
- The school is financially viable

I take the concerns raised by the school community seriously and I have asked the Education Directorate through an authorised person to undertake a series of inquiries with the school to determine if there are any contraventions of the conditions of registration or other sections of the Act by the school or its proprietor, and consider whether legislation relating to non-government schools needs to be amended or strengthened.

I understand you have spoken with Ms Lynda Tooth, Senior Director Non-government Education Regulation about your concerns and provided copies of the communication you have had with the school. The Directorate will examine the concerns you raised and if non-compliance with the conditions of registration or the Act is identified will make further enquiries with the school.

ACT Legislative Assembly

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

Phone +61 2 6205 0233 Email berry@act.gov.au



@YvetteSBerry



YvetteSBerry



yvettesberry

[REDACTED] Unlike public schools which are required by the *Education Act 2004 (ACT)* to enrol children living in the local area, the enrolment of students at a non-government school is a commercial arrangement governed by the contract entered into between the school and the family. [REDACTED]

[REDACTED] Unfortunately, I have no power under the Act that would allow me to intervene in this matter.

The ACT Government is working to reform the way non-government schools are registered in the ACT. This requires amendments to the *Education Act 2004 (ACT)* and is part of a longer-term reform process

I am very sorry to hear about your experience at BCC and the impact the experience has had on both you and your children. [REDACTED]

[REDACTED]

I wish you and your family the very best.

Yours sincerely,

[REDACTED]

Yvette Berry MLA
Minister for Education and Early Childhood Development

31 MAR 2020

From: [King, Ashley](#) on behalf of [Education DLO](#)
To: [Krajina, Danielle](#)
Cc: [Nott, Georgia](#); [EDUMCR](#); [Tooth, Lynda](#); [Ceramidas, Joshua](#); [Hobbs, Rebecca](#); [DGEDUoffice](#)
Subject: [REDACTED] Tehan MP Brindabella Christian College
Date: Friday, 3 April 2020 2:44:06 PM
Attachments: [scan_gabriela_falzon_2020-04-03-11-36-20.pdf](#)

UNCLASSIFIED For-Official-Use-Only

Hello

Title/Question	Tehan MP Brindabella Christian College
Action	FAA
Responsibility	G&CL
Response type	Nil
TRIM	[REDACTED]
Date due	Nil
Clearance	NIL
Comment	This is in response to [REDACTED] Please contact Ashley King at EDUDLO@act.gov.au if you have questions.

Ashley
X50291

From: BERRY <BERRY@act.gov.au>
Sent: Friday, 3 April 2020 2:26 PM
To: Education DLO <EDUDLO@act.gov.au>
Cc: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Subject: FW: Your scan (Scan to My Email)
 For appropriate action/response. Education

From: Falzon, Gabriela <Gabriela.Falzon@act.gov.au>
Sent: Friday, 3 April 2020 1:31 PM
To: BERRY <BERRY@act.gov.au>
Subject: FW: Your scan (Scan to My Email)
From: Falzon, Gabriela <gabriela.falzon@act.gov.au>
Sent: Friday, 3 April 2020 11:37 AM
To: Falzon, Gabriela <Gabriela.Falzon@act.gov.au>
Subject: Your scan (Scan to My Email)



The Hon Dan Tehan MP
Minister for Education

Parliament House
CANBERRA ACT 2600

Telephone: 02 6277 7350

24 MAR 2020

Ms Yvette Berry MLA
Deputy Chief Minister,
Minister for Education and Early Childhood Development,
Member for Ginninderra
GPO Box 1020
CANBERRA ACT 2601

Dear Deputy Chief Minister *Yvette*

Thank you for your letter of 7 February 2020, which raises concerns from [REDACTED] regarding continuing issues with Brindabella Christian College (BCC).

I note the concerns you have raised [REDACTED]

[REDACTED] My office has received correspondence directly from [REDACTED] on this matter and will respond.

The Department of Education, Skills and Employment is currently working with the ACT Education Directorate (the directorate) to establish the status of BCC's compliance with both Commonwealth and Australian Capital Territory regulatory requirements.

Some of the matters raised [REDACTED] fall within the directorate's regulatory jurisdiction. My department has sought information from BCC in relation to those matters for which the Commonwealth has regulatory oversight. My department will continue to liaise with the directorate to ensure a coordinated approach to determining the next course of action.

The department is also aware of issues relating to BCC that have been raised with WorkSafe ACT, the ACT Human Rights Commission and in the Federal Court of Australia. My department will consider the outcomes of these matters in its assessment of BCC's compliance with regulatory requirements.

I hope that our departments and respective agencies can continue working together to address the issues that have been raised with us both concerning BCC.

Thank you for forwarding the concerns of [REDACTED] for my consideration.

Yours sincerely [REDACTED]

DAN TEHAN

From: [Laurent, Kristen](#) on behalf of [DGEDUoffice](#)
To: [Haire, Katy](#)
Subject: FOR ATTN: Brindabella Christian College: Letter regarding outstanding matters
Date: Thursday, 9 April 2020 6:05:32 PM
Attachments: [image001.png](#)
[724385293_1_20200409 - FINAL - Letter to the DG, ACT Education Directorate.pdf](#)

UNCLASSIFIED Sensitive: Legal

Hi Katy

I'll refer this on to Kristen and Camille to coordinate a response.

Kristen

From: [REDACTED]
Sent: Thursday, 9 April 2020 5:48 PM
To: DGEDUoffice <DGEDUoffice@act.gov.au>
Cc: BERRY <BERRY@act.gov.au>
Subject: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]
[REDACTED]

Dear Director General

We act for Brindabella Christian Education Limited.

Attached is correspondence in relation to various matters that continue to be outstanding in relation to the College.

Minister Berry has been copied into this email as, in the letter, an offer has been extended to the Minister to view the College's online learning platforms.

Kind regards

[REDACTED]



[REDACTED]

[REDACTED]



Our Ref: [redacted]

9 April 2020

Katy Haire
Director-General
ACT Education Directorate
220 Northbourne Avenue
Braddon ACT 2612

Email: DGEDUoffice@act.gov.au
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Dear Ms Haire

Regulatory notices issued to Brindabella Christian Education Limited

The purpose of this letter is to seek to bring to a close various outstanding matters that have been the subject of action by the ACT Education Directorate (**Directorate**). The basis for this request is set out below.

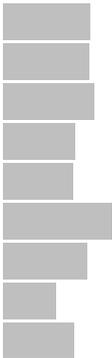
1. Background

1.1 Since mid-last year, Brindabella Christian Education Limited (**BCC** or the **College**) has been the subject of various enquiries from regulatory authorities relating to the management of its school. In many cases, the inquiries have been prompted (according to correspondence from the relevant authorities) by the authority becoming aware of complaints being made about the College. None of these complaints have ever been detailed to the College.

1.2 As explained in previous correspondence with the Directorate, BCC continues to be the subject of a concerted campaign against the College. In BCC's view, this campaign is being driven by a small number of disaffected parents and former staff of the school, who are also using social and traditional media to amplify their concerns.

1.3 The concerns appear to relate to:

- (a) the governance of the College;
- (b) personal grievances with the Board of BCC; and
- (c) employment-related disputes.



- 1.4 The public campaign has resulted in significant misreporting in the traditional media and continues to cause unwarranted reputational and financial damage to the College.
- 1.5 The reality of the situation is that BCC has been undergoing a period of change, in which it is seeking to continuously improve and strengthen its executive leadership team. This period of change in the workplace followed the [REDACTED] [REDACTED] It is understandable that the school community might feel uncomfortable with change. Be that as it may, it appears that disgruntled members of the school community are choosing to criticise the Board for matters that are confidential and in respect of which they do not have knowledge of the full set of factual circumstances (in the case of, for example, the employment-related disputes).
- 1.6 The concerns being expressed have been developed into a public narrative that is damaging to the College's reputation. The public narrative lacks specifics. Moreover, in the circumstances, the College is not in a position to respond to and address those concerns publicly because the College respects its obligations regarding privacy and confidentiality that relate to these matters.

2. Concerns with conduct of regulatory authorities

- 2.1 The College has, in effect, been asked to respond to the narrative by various regulatory authorities. In all cases, the regulatory authorities have expressly stated that their actions are motivated by the complaints, and others deny that this is the case (even though their actions relate to the subject matter of the complaints).
- 2.2 In her letter dated 8 October 2019, Danielle Krajina (Registrar, ACT Non-Government Schools) specifically identified that her inquiries were motivated by the public complaints. In Ms Krajina's letter, the College was also requested to provide responses in onerous detail to inferences that were drawn about the College's financial viability, even though there was no evidence that its financial viability was at risk.
- 2.3 In no case has any regulatory authority explained in detail what are the complaints that have motivated their actions.
- 2.4 In effect, the regulatory authorities have stated that BCC does not need the details of the complaints to respond to the issues at hand. With respect, this approach is not consistent with the fundamental principles of administrative decision making. That is, those people whose interests are affected by an administrative decision should be provided with all relevant information that is adverse to their interests. This has not occurred.
- 2.5 In this respect, our client reserves its rights in relation to any future action taken by regulatory authorities that has been conducted in a less than transparent manner.

3. The outstanding matters with the Directorate

3.1 Presently, there are two outstanding matters with the Directorate.

Inquiries made by the Registrar of ACT Non-Government Schools

3.2 Two letters were sent on behalf of BCC in response to Ms Krajina's letter of 8 October 2019. These were sent on 24 October 2019 and 20 December 2019.

3.3 Our client considers that the approach taken by Ms Krajina was unnecessary. A more collaborative approach would have been preferred. Be that as it may, the BCC's letter of 20 December 2019 provided a substantive response to the issues raised in the letter of 8 October 2019. The College has not received any further correspondence in relation to this matter, despite the implication in Ms Krajina's letter that the concerns raised were being taken seriously.

3.4 Given the passing of time, is BCC able to treat the matter as now being resolved?

Outcome of regulatory compliance action by Children's Education and Care Assurance

3.5 On 20 September 2019, a compliance notice was issued to BCC in relation to suspected contraventions of the *Education and Care Services National Law Act 2010* (the **Law**) in relation to events that occurred at the BCCs early childhood centre at Charnwood. BCC has taken steps to ensure compliance with the Law.

3.6 In addition, on 16 December 2019, [REDACTED] were invited to attend an assessment as to their fitness and propriety as people with management and control of the College. According to a letter received from Susan Sullivan, Director, Quality Assurance and Audit, on 30 January 2020, the assessment was to be conducted for the following reasons:

The Authority's concern regarding fitness and propriety arises principally from the Provider's [BCC's] demonstrated lack of understanding of appropriate interactions between educators and children. Paragraph 64 of the September Decision [the letter of 20 September 2019] refers to the Provider's position in minimising and justifying the conduct alleged and relying on it apparently being sanctioned by parents and reflective of daily routines in the Service. From a fitness and propriety perspective, the Provider's lack of understanding of the reason the educators conduct was inappropriate is substantially more concerning than the conduct itself.

(See paragraph 19)

3.7 With respect to Ms Sullivan, BCC believe that she has mischaracterised BCC's position in relation to these matters. BCC did **not** minimise or justify any alleged conduct. Rather, the situation was as follows.

3.8 The College was provided with a 'show cause notice' on 17 July 2019. It took all allegations in the notice seriously, and conducted an investigation of the allegations. Full transcripts of interviews with witnesses were provided to the Directorate, along with details of the actions taken to address the alleged concerns. Some of these

actions were significant and included training, the direct supervision of staff and recruitment activities.

- 3.9 The investigation revealed evidence that was contrary to the allegations. We note that Ms Sullivan did not make any conclusion as to the credibility of any witness, but she merely preferred the evidence of the anonymous witness. In this respect, the College notes that there were limitations on its ability to fully assess the allegations, as it was unable to test the evidence provided by the complainant. For example, the identity of the complainant was not revealed to the College and, as a result, the complainant could not be positively identified and interviewed.
- 3.10 A response was prepared by the College based on the evidence collected as part of the investigation, and promptly provided to the Directorate on 2 August 2019. In the response, the College in no way minimised or justified any unacceptable behaviour, and explained the allegations by reference to and in a way that was consistent with the evidence obtained as part of the investigation. Accordingly, quite appropriately, the response was based on the evidence available to BCC at the time.
- 3.11 A key contention appears to be around BCC's position in relation to two issues. The first was the use of the word 'feral' by an educator to describe a child's conduct. The second was, according to the decision maker, the use of inappropriate discipline techniques that were said to be sanctioned by parents and reflective of routines at the centre.
- 3.12 The conclusion that BCC justified or minimised these issues is at odds with the information provided by BCC.
- 3.13 In relation to the use of the word 'feral', the College's response (quite appropriately) was directed towards whether the conduct constituted a breach of the Law. It did not in any way suggest that the language disrespecting the dignity and rights of children was tolerated and condoned.
- 3.14 Instead, the College explained the use of the word *in the context of the evidence that had been obtained by the College during its investigation*. The evidence provided by person who engaged in the conduct was that [REDACTED] was not speaking to the child when [REDACTED] used the word to describe the child's behaviour. This is the basis of the College's observations about the use of the word by the educator.
- 3.15 We also note Ms Sullivan's observations at paragraph 37 of her letter in which she states that it would be false to assume that a [REDACTED]-year-old would not be able to comprehend the meaning of the word 'feral'. Our client would be interested in understanding the evidence on which this assertion is based, particularly if one is to assume that the comment was not being made to the child but to other educators (which was the evidence available to the College).
- 3.16 Further, and more importantly, BCC stated in its response:

The incident itself can (and has) provided a focal point to discuss the meaning of section 167 and 155 with our staff (especially as it inter-relates with our policies) ...

- 3.17 Accordingly, BCC's response was to take proactive and positive steps to address any concerns with the manner in which educators addressed children, even before any compliance notice was issued. The actions taken by BCC, therefore, were not consistent with the conclusion that the College justified or minimised any inappropriate language used towards children.
- 3.18 Accordingly, the assertion that the College justified or minimised the use of inappropriate language used towards children should be withdrawn.
- 3.19 In relation to the use of discipline techniques, the evidence provided by the College in response to the allegations did not suggest that inappropriate disciplinary techniques were condoned by the College. Rather, the evidence obtained by the College was that the disciplinary techniques complained of either did not occur at the centre or had been banned.
- 3.20 The evidence was, however, that certain *sleep and eating routines* were discussed with parents, and that those routines were reflective of the daily practices of the centre. Again, this position was advanced by BCC on the basis of the evidence obtained as part of the investigation. The evidence available to BCC from its interviews with those involved in the alleged incidents was that the incidents did not involve the application of strategies for the discipline of children.
- 3.21 It is unfair for Ms Sullivan to make conclusions about the seriousness with which the College treats its legal obligations, and the College's understanding of those obligations, when she appears to have taken a fundamentally different view of the facts. In effect, what appears to have occurred is that Ms Sullivan has judged the BCC's response by reference to her own conclusions in relation to the facts, and not by reference to the evidence available to BCC when it provided its response to the allegations.
- 3.22 Accordingly, the bases cited by Ms Sullivan for the invitation to [REDACTED], [REDACTED] to attend the fitness and propriety assessment is without foundation.
- 3.23 Our client requests that this matter be now resolved and that no further action be taken, other than to withdraw the assertion that the College justified or minimised the use of inappropriate discipline strategies.

4. Ongoing impacts on BCC

- 4.1 The impacts of the approach by regulatory authorities have been significant. By way of example, in the case of WorkSafe ACT, it conducted a 'review' of the College's policies and procedures for dealing with complaints because, as it was reported in the media, it was 'tipped off' by various public complaints. Like the Directorate, WorkSafe ACT declined to outline what those complaints were.
- 4.2 It is difficult for administrators of the College to address the issues underpinning complaints when the complaints are never identified. This is the case whether it be in relation to action by the Directorate or any other regulator.
- 4.3 Further, WorkSafe ACT made a statement to the media about the issuing of improvement notices regarding relatively minor defects with the College's policies

and procedures for managing complaints. To be clear, there was no evidence that a complaint had been poorly managed and, in fact, our client submits that complaints are being actively managed by BCC. Rather, *in one part of the College*, the College did not have in place certain policies and procedures that WorkSafe ACT believed should be in place. Other parts of the college were considered fully compliant. BCC believes that it is now fully compliant.

- 4.4 What is remarkable, however, is the fact that the improvement notices were the subject of their own media release. This was an unusual step for WorkSafe ACT to take in relation to such a matter given that (as far as we are aware) media statements are only occasionally made in relation to improvement notices issued by work health and safety regulators. The media statement was released by WorkSafe ACT before the notices were in fact received by the College.
- 4.5 BCC was assured by inspectors that it was not being 'investigated' by WorkSafe ACT, but that the inspectors were conducting a 'review'. This was not the narrative that was being presented to the media by the Commissioner of WorkSafe ACT or public spokespersons, who repeatedly mentioned an investigation.
- 4.6 The action being taken by regulators, and its lack of a timely resolution, merely serves to give weight to the unsubstantiated public narrative being perpetuated by disaffected individuals.
- 4.7 It appears to the College that individuals outside the Directorate are aware of the regulatory action that is being taken by the Directorate. Based on information provided to BCC, in the instances mentioned above, it appears that the Canberra Times was provided information by the Directorate in relation to regulatory compliance matters well before official notices had been issued to the College. There appear to be confidentiality issues with the regulatory processes, which were notified to the Directorate in an email of 12 October 2019 and which are of concern to the College.
- 4.8 The relevance of this is the similarity of the conduct by regulatory authorities, its inappropriateness, and its impact on the College and its staff. The reputational and financial impacts are obvious. Moreover, our client reports that the mental health of senior staff is being adversely impacted by the fact that:
- (a) the College is being repeatedly asked to respond to enquiries from regulatory authorities;
 - (b) the complaints that are motivating those enquiries have never been particularised to the College, and none has been substantiated;
 - (c) the complaints are being treated by regulatory authorities as though they have veracity, although none has been substantiated;
 - (d) the regulatory action is not being concluded in a timely manner; and
 - (e) the actions required to respond to the enquiries by BCC involves unreasonable and substantial work by the senior management team.

- 4.9 This adverse impact on the health of staff is a primary reason for our client requesting that the outstanding matters with the Directorate now be closed (in addition to the concerns raised above about the action).
- 5. Recent progress made by BCC**
- 5.1 Despite the challenges caused by the recent period of workplace change, our client believes that the College is continuing to demonstrate its effectiveness as an organisation. A significant contributing factor has been the stability experienced by the school under the leadership of [REDACTED], and [REDACTED] senior management team.
- 5.2 Over the last 12 years, the College has been an education industry leader on modernising its education programs and the implementation of significant support IT infrastructure. In particular, this has been achieved by the introduction of technology into day-to-day learning activities enhanced during the Digital Education Revolution initiatives of 2008 and becoming the first school in the ACT to achieve a 1:1 ratio across all year levels. BCC has also continued to be a leader in the ACT with additionally introducing a “bring your own device” platform for senior years and supporting electronic interactive live-boards in every classroom a number of years ago; and remains a leader in the field of electronic education.
- 5.3 BCC believes that the recent disruption to the provision of education caused by COVID-19 has served to underline how effective recent efforts have been to embed technology in the day-to-day learning activities of its students. Once it was recommended that schools in the ACT be pupil free, BCC was able to commence online “connected” real-time remote learning almost immediately. Specifically:
- (a) on the 24 March 2020, within two days after the pupil free days were announced, the College had 450 students transfer to 'connected classrooms';
 - (b) in the connected classrooms, students were able to interact with, and ask questions of, their teachers during classes timetabled as usual;
 - (c) children of essential workers are attending the College, and their ongoing learning continues to be appropriately catered for; and
 - (d) following further isolation measures announced by the Prime Minister, all teachers have been transferred to working from home arrangements, with no adverse impact on their ability to facilitate the 'connected classroom' experience for student.
- 5.4 Were it not for a technical issue, WIN News had developed a news story that was to air on its local news program on Thursday, 26 March 2020, in relation to the success of the transition to online learning platforms.
- 5.5 The feedback from parents and teachers has been extremely positive. The **Attachment** contains a sample of the unsolicited positive feedback received from both parents and teachers in relation to BCC's response to the disruption caused by COVID-19. Our client considers that it could not have achieved such great outcomes in such challenging times without the College being a harmonious and

well-operated environment. The public narrative does not reflect the general feeling of staff and parents at the school. The past grievance of those disgruntled parents and former staff do not reflect the current reality of the school environment.

- 5.6 The College invites you (and Minister Berry, if available) to the College to see how education services in the ACT are being effectively delivered to its students in these challenging times.
- 5.7 Our client considers that this recent experience serves to demonstrate that the College is moving beyond its recent difficult period of workplace change. Our client encourages the Directorate to take a similar view.

6. Next steps

- 6.1 In terms of the next steps, please confirm that:
- (a) The Directorate does not propose to take any further action in relation to Ms Krajina's letter of 8 October 2019;
 - (b) The Directorate no longer requires [REDACTED] to attend an assessment as to their fitness and propriety as people with management and control of the College, now that the concerns expressed in Ms Sullivan's letter of 20 September 2019 have been addressed (see above);
 - (c) the assertion that the College justified or minimised the use of inappropriate language used towards children is withdrawn;
 - (d) the assertion that the College justified or minimised the use of inappropriate discipline strategies is withdrawn; and
 - (e) no employee of the Directorate who is involved in matters related to [REDACTED] has a personal relationship, or has had a previous work relationship, with any of those individuals engaged in disputes with the College.

We look forward to hearing from you.

Yours faithfully

[REDACTED]

Attachment: Unsolicited feedback regarding the College

Example 1 (31 March 2020)

Dear Teachers,

We (all of senior school) would like to say a very big thank you for all your support and help during this time of online learning. You have all been really kind by giving us breaks between our classes and always standing by ready to support anyone who asks for help. You've been very patient waiting for classes to start and for all you students and you have also been kind.

While we may not be able to fully comprehend how much you are doing to help run our classes as smoothly as they go but we know that you do put in a lot of effort for all our your classes and we want to say a very big thank you for everything. We hope God will continue to bless you and give you wisdom and strength in the days to come.

Lots of Love,

Example 2 (30 March 2020)

Good morning [REDACTED]

I thought it appropriate to share the following feedback from one of our [REDACTED] Another encouraging response!

"I'm speaking up on behalf of all [REDACTED] today to say a HUGE THANKYOU to [REDACTED] the whole [REDACTED] leadership team and other teachers for the tremendous amount

of hard work that gone into this week and further weeks to come. So much preparation has g one into setting up the online learning platform, the take home packs of paperwork, the daily videos and ZOOM conference calls. This in itself is a huge task for the teachers to complete, but [REDACTED] you are doing it so well [REDACTED]. You should be really proud of yourself for the quality teaching you are providing to our kids even when they are not at scho ol. [REDACTED] is thriving this week because of your guidance and support so again, a HUGE THANKYOU! Keep up the great work. We as parents understand the pressures that have been placed upon you the past few weeks! You are a wonderful teacher [REDACTED] and we are grateful that [REDACTED] has you as [REDACTED] teacher! Happy Friday everyone!"

Example 3 (30 March 2020)

Hi [REDACTED] and leadership team,

In these crazy times I wanted to take the time to say a virtual thank you for your ongoing leadership and communication. With an unknown environment that changes by the hour the flow of information and advice has been amazing. It is especially welcome at a time where we have not been able to have [REDACTED] lead us. I am thankful for the [REDACTED] team and they work we were able to do in a short space of time to prepare ourselves.

Hearing the stories from my teaching friends and colleagues in [REDACTED] makes me appreciate how lucky we are but also how prepared and far ahead of so many other schools we are. I am thankful for the College and opportunity I have had to join it. [REDACTED]

[REDACTED]. We all know that God has a plan for us and I am thankful now more than ever that he directed me to Brindabella as there is nowhere else I would rather be during these times.

In these times it is always easy to ponder on what we could be doing better rather than acknowledging what we have done well, so again thank you for your leadership and communication during what is a difficult and stressful time for us all. I wish nothing but peace and clarity for everyone as we navigate the situation together.

Thank you!!

From: [Foster, Kristen](#)
To: [Tooth, Lynda](#)
Subject: FW: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]
Date: Friday, 10 April 2020 10:58:37 AM
Attachments: [image001.png](#)
[724385293_1_20200409 - FINAL - Letter to the DG, ACT Education Directorate.pdf](#)

UNCLASSIFIED Sensitive: Legal

Hi Lynda:

Could we discuss next week – you mentioned that you were analysing the data between census and schools obligation to maintain enrolment information, but I was wondering if we had completed our inquiry from last year. What was the response that BCC provided on 24 October and 20 December?

I assume that Sean's team would have responded to the CECA compliance notice.

Warm regards

Kristen

Kristen Foster GAICD CISM CISA
Executive Branch Manager
ACT Education Directorate
T: 02 6205 6749 | M: 0466 588 990
E: kristen.foster@act.gov.au

From: Laurent, Kristen <Kristen.Laurent@act.gov.au> **On Behalf Of** DGEDUoffice
Sent: Thursday, 9 April 2020 6:08 PM
To: Foster, Kristen <Kristen.Foster@act.gov.au>; Carroll, Camille <Camille.Carroll@act.gov.au>
Subject: FW: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]
[REDACTED]

UNCLASSIFIED Sensitive: Legal

For appropriate action please. I have flagged this with Katy.
Kristen

From: [REDACTED]
Sent: Thursday, 9 April 2020 5:48 PM
To: DGEDUoffice <DGEDUoffice@act.gov.au>
Cc: BERRY <BERRY@act.gov.au>
Subject: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]
[REDACTED]

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Kind regards

[Redacted]

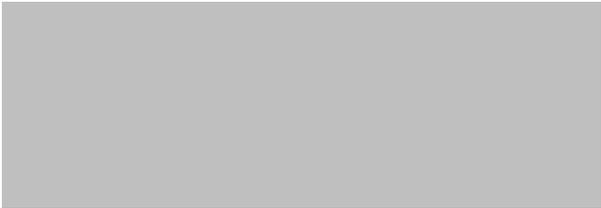
[Redacted]

[Redacted]



[Redacted]

[Redacted]



9 April 2020

Katy Haire
Director-General
ACT Education Directorate
220 Northbourne Avenue
Braddon ACT 2612

Email: DGEDUoffice@act.gov.au
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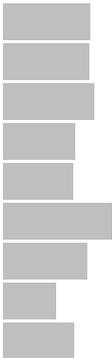
1. Background

1.1 Since mid-last year, Brindabella Christian Education Limited (**BCC** or the **College**) has been the subject of various enquiries from regulatory authorities relating to the management of its school. In many cases, the inquiries have been prompted (according to correspondence from the relevant authorities) by the authority becoming aware of complaints being made about the College. None of these complaints have ever been detailed to the College.

1.2 As explained in previous correspondence with the Directorate, BCC continues to be the subject of a concerted campaign against the College. In BCC's view, this campaign is being driven by a small number of disaffected parents and former staff of the school, who are also using social and traditional media to amplify their concerns.

1.3 The concerns appear to relate to:

- (a) the governance of the College;
- (b) personal grievances with the Board of BCC; and
- (c) employment-related disputes.



- 1.4 The public campaign has resulted in significant misreporting in the traditional media and continues to cause unwarranted reputational and financial damage to the College.
- 1.5 The reality of the situation is that BCC has been undergoing a period of change, in which it is seeking to continuously improve and strengthen its executive leadership team. This period of change in the workplace followed the [REDACTED]. It is understandable that the school community might feel uncomfortable with change. Be that as it may, it appears that disgruntled members of the school community are choosing to criticise the Board for matters that are confidential and in respect of which they do not have knowledge of the full set of factual circumstances (in the case of, for example, the employment-related disputes).
- 1.6 The concerns being expressed have been developed into a public narrative that is damaging to the College's reputation. The public narrative lacks specifics. Moreover, in the circumstances, the College is not in a position to respond to and address those concerns publicly because the College respects its obligations regarding privacy and confidentiality that relate to these matters.

2. Concerns with conduct of regulatory authorities

- 2.1 The College has, in effect, been asked to respond to the narrative by various regulatory authorities. In all cases, the regulatory authorities have expressly stated that their actions are motivated by the complaints, and others deny that this is the case (even though their actions relate to the subject matter of the complaints).
- 2.2 In her letter dated 8 October 2019, Danielle Krajina (Registrar, ACT Non-Government Schools) specifically identified that her inquiries were motivated by the public complaints. In Ms Krajina's letter, the College was also requested to provide responses in onerous detail to inferences that were drawn about the College's financial viability, even though there was no evidence that its financial viability was at risk.
- 2.3 In no case has any regulatory authority explained in detail what are the complaints that have motivated their actions.
- 2.4 In effect, the regulatory authorities have stated that BCC does not need the details of the complaints to respond to the issues at hand. With respect, this approach is not consistent with the fundamental principles of administrative decision making. That is, those people whose interests are affected by an administrative decision should be provided with all relevant information that is adverse to their interests. This has not occurred.
- 2.5 In this respect, our client reserves its rights in relation to any future action taken by regulatory authorities that has been conducted in a less than transparent manner.

3. The outstanding matters with the Directorate

3.1 Presently, there are two outstanding matters with the Directorate.

Inquiries made by the Registrar of ACT Non-Government Schools

3.2 Two letters were sent on behalf of BCC in response to Ms Krajina's letter of 8 October 2019. These were sent on 24 October 2019 and 20 December 2019.

3.3 Our client considers that the approach taken by Ms Krajina was unnecessary. A more collaborative approach would have been preferred. Be that as it may, the BCC's letter of 20 December 2019 provided a substantive response to the issues raised in the letter of 8 October 2019. The College has not received any further correspondence in relation to this matter, despite the implication in Ms Krajina's letter that the concerns raised were being taken seriously.

3.4 Given the passing of time, is BCC able to treat the matter as now being resolved?

Outcome of regulatory compliance action by Children's Education and Care Assurance

3.5 On 20 September 2019, a compliance notice was issued to BCC in relation to suspected contraventions of the *Education and Care Services National Law Act 2010* (the **Law**) in relation to events that occurred at the BCCs early childhood centre at Charnwood. BCC has taken steps to ensure compliance with the Law.

3.6 In addition, on 16 December 2019, [REDACTED] were invited to attend an assessment as to their fitness and propriety as people with management and control of the College. According to a letter received from Susan Sullivan, Director, Quality Assurance and Audit, on 30 January 2020, the assessment was to be conducted for the following reasons:

The Authority's concern regarding fitness and propriety arises principally from the Provider's [BCC's] demonstrated lack of understanding of appropriate interactions between educators and children. Paragraph 64 of the September Decision [the letter of 20 September 2019] refers to the Provider's position in minimising and justifying the conduct alleged and relying on it apparently being sanctioned by parents and reflective of daily routines in the Service. From a fitness and propriety perspective, the Provider's lack of understanding of the reason the educators conduct was inappropriate is substantially more concerning than the conduct itself.

(See paragraph 19)

3.7 With respect to Ms Sullivan, BCC believe that she has mischaracterised BCC's position in relation to these matters. BCC did **not** minimise or justify any alleged conduct. Rather, the situation was as follows.

3.8 The College was provided with a 'show cause notice' on 17 July 2019. It took all allegations in the notice seriously, and conducted an investigation of the allegations. Full transcripts of interviews with witnesses were provided to the Directorate, along with details of the actions taken to address the alleged concerns. Some of these

actions were significant and included training, the direct supervision of staff and recruitment activities.

- 3.9 The investigation revealed evidence that was contrary to the allegations. We note that Ms Sullivan did not make any conclusion as to the credibility of any witness, but she merely preferred the evidence of the anonymous witness. In this respect, the College notes that there were limitations on its ability to fully assess the allegations, as it was unable to test the evidence provided by the complainant. For example, the identity of the complainant was not revealed to the College and, as a result, the complainant could not be positively identified and interviewed.
- 3.10 A response was prepared by the College based on the evidence collected as part of the investigation, and promptly provided to the Directorate on 2 August 2019. In the response, the College in no way minimised or justified any unacceptable behaviour, and explained the allegations by reference to and in a way that was consistent with the evidence obtained as part of the investigation. Accordingly, quite appropriately, the response was based on the evidence available to BCC at the time.
- 3.11 A key contention appears to be around BCC's position in relation to two issues. The first was the use of the word 'feral' by an educator to describe a child's conduct. The second was, according to the decision maker, the use of inappropriate discipline techniques that were said to be sanctioned by parents and reflective of routines at the centre.
- 3.12 The conclusion that BCC justified or minimised these issues is at odds with the information provided by BCC.
- 3.13 In relation to the use of the word 'feral', the College's response (quite appropriately) was directed towards whether the conduct constituted a breach of the Law. It did not in any way suggest that the language disrespecting the dignity and rights of children was tolerated and condoned.
- 3.14 Instead, the College explained the use of the word *in the context of the evidence that had been obtained by the College during its investigation*. The evidence provided by person who engaged in the conduct was that [REDACTED] was not speaking to the child when [REDACTED] used the word to describe the child's behaviour. This is the basis of the College's observations about the use of the word by the educator.
- 3.15 We also note Ms Sullivan's observations at paragraph 37 of her letter in which she states that it would be false to assume that a [REDACTED]-year-old would not be able to comprehend the meaning of the word 'feral'. Our client would be interested in understanding the evidence on which this assertion is based, particularly if one is to assume that the comment was not being made to the child but to other educators (which was the evidence available to the College).
- 3.16 Further, and more importantly, BCC stated in its response:

The incident itself can (and has) provided a focal point to discuss the meaning of section 167 and 155 with our staff (especially as it inter-relates with our policies) ...

- 3.17 Accordingly, BCC's response was to take proactive and positive steps to address any concerns with the manner in which educators addressed children, even before any compliance notice was issued. The actions taken by BCC, therefore, were not consistent with the conclusion that the College justified or minimised any inappropriate language used towards children.
- 3.18 Accordingly, the assertion that the College justified or minimised the use of inappropriate language used towards children should be withdrawn.
- 3.19 In relation to the use of discipline techniques, the evidence provided by the College in response to the allegations did not suggest that inappropriate disciplinary techniques were condoned by the College. Rather, the evidence obtained by the College was that the disciplinary techniques complained of either did not occur at the centre or had been banned.
- 3.20 The evidence was, however, that certain *sleep and eating routines* were discussed with parents, and that those routines were reflective of the daily practices of the centre. Again, this position was advanced by BCC on the basis of the evidence obtained as part of the investigation. The evidence available to BCC from its interviews with those involved in the alleged incidents was that the incidents did not involve the application of strategies for the discipline of children.
- 3.21 It is unfair for Ms Sullivan to make conclusions about the seriousness with which the College treats its legal obligations, and the College's understanding of those obligations, when she appears to have taken a fundamentally different view of the facts. In effect, what appears to have occurred is that Ms Sullivan has judged the BCC's response by reference to her own conclusions in relation to the facts, and not by reference to the evidence available to BCC when it provided its response to the allegations.
- 3.22 Accordingly, the bases cited by Ms Sullivan for the invitation to [REDACTED] to attend the fitness and propriety assessment is without foundation.
- 3.23 Our client requests that this matter be now resolved and that no further action be taken, other than to withdraw the assertion that the College justified or minimised the use of inappropriate discipline strategies.

4. Ongoing impacts on BCC

- 4.1 The impacts of the approach by regulatory authorities have been significant. By way of example, in the case of WorkSafe ACT, it conducted a 'review' of the College's policies and procedures for dealing with complaints because, as it was reported in the media, it was 'tipped off' by various public complaints. Like the Directorate, WorkSafe ACT declined to outline what those complaints were.
- 4.2 It is difficult for administrators of the College to address the issues underpinning complaints when the complaints are never identified. This is the case whether it be in relation to action by the Directorate or any other regulator.
- 4.3 Further, WorkSafe ACT made a statement to the media about the issuing of improvement notices regarding relatively minor defects with the College's policies

and procedures for managing complaints. To be clear, there was no evidence that a complaint had been poorly managed and, in fact, our client submits that complaints are being actively managed by BCC. Rather, *in one part of the College*, the College did not have in place certain policies and procedures that WorkSafe ACT believed should be in place. Other parts of the college were considered fully compliant. BCC believes that it is now fully compliant.

- 4.4 What is remarkable, however, is the fact that the improvement notices were the subject of their own media release. This was an unusual step for WorkSafe ACT to take in relation to such a matter given that (as far as we are aware) media statements are only occasionally made in relation to improvement notices issued by work health and safety regulators. The media statement was released by WorkSafe ACT before the notices were in fact received by the College.
- 4.5 BCC was assured by inspectors that it was not being 'investigated' by WorkSafe ACT, but that the inspectors were conducting a 'review'. This was not the narrative that was being presented to the media by the Commissioner of WorkSafe ACT or public spokespersons, who repeatedly mentioned an investigation.
- 4.6 The action being taken by regulators, and its lack of a timely resolution, merely serves to give weight to the unsubstantiated public narrative being perpetuated by disaffected individuals.
- 4.7 It appears to the College that individuals outside the Directorate are aware of the regulatory action that is being taken by the Directorate. Based on information provided to BCC, in the instances mentioned above, it appears that the Canberra Times was provided information by the Directorate in relation to regulatory compliance matters well before official notices had been issued to the College. There appear to be confidentiality issues with the regulatory processes, which were notified to the Directorate in an email of 12 October 2019 and which are of concern to the College.
- 4.8 The relevance of this is the similarity of the conduct by regulatory authorities, its inappropriateness, and its impact on the College and its staff. The reputational and financial impacts are obvious. Moreover, our client reports that the mental health of senior staff is being adversely impacted by the fact that:
- (a) the College is being repeatedly asked to respond to enquiries from regulatory authorities;
 - (b) the complaints that are motivating those enquiries have never been particularised to the College, and none has been substantiated;
 - (c) the complaints are being treated by regulatory authorities as though they have veracity, although none has been substantiated;
 - (d) the regulatory action is not being concluded in a timely manner; and
 - (e) the actions required to respond to the enquiries by BCC involves unreasonable and substantial work by the senior management team.

- 4.9 This adverse impact on the health of staff is a primary reason for our client requesting that the outstanding matters with the Directorate now be closed (in addition to the concerns raised above about the action).
- 5. Recent progress made by BCC**
- 5.1 Despite the challenges caused by the recent period of workplace change, our client believes that the College is continuing to demonstrate its effectiveness as an organisation. A significant contributing factor has been the stability experienced by the school under the leadership of [REDACTED], and [REDACTED] senior management team.
- 5.2 Over the last 12 years, the College has been an education industry leader on modernising its education programs and the implementation of significant support IT infrastructure. In particular, this has been achieved by the introduction of technology into day-to-day learning activities enhanced during the Digital Education Revolution initiatives of 2008 and becoming the first school in the ACT to achieve a 1:1 ratio across all year levels. BCC has also continued to be a leader in the ACT with additionally introducing a “bring your own device” platform for senior years and supporting electronic interactive live-boards in every classroom a number of years ago; and remains a leader in the field of electronic education.
- 5.3 BCC believes that the recent disruption to the provision of education caused by COVID-19 has served to underline how effective recent efforts have been to embed technology in the day-to-day learning activities of its students. Once it was recommended that schools in the ACT be pupil free, BCC was able to commence online “connected” real-time remote learning almost immediately. Specifically:
- (a) on the 24 March 2020, within two days after the pupil free days were announced, the College had 450 students transfer to 'connected classrooms';
 - (b) in the connected classrooms, students were able to interact with, and ask questions of, their teachers during classes timetabled as usual;
 - (c) children of essential workers are attending the College, and their ongoing learning continues to be appropriately catered for; and
 - (d) following further isolation measures announced by the Prime Minister, all teachers have been transferred to working from home arrangements, with no adverse impact on their ability to facilitate the 'connected classroom' experience for student.
- 5.4 Were it not for a technical issue, WIN News had developed a news story that was to air on its local news program on Thursday, 26 March 2020, in relation to the success of the transition to online learning platforms.
- 5.5 The feedback from parents and teachers has been extremely positive. The **Attachment** contains a sample of the unsolicited positive feedback received from both parents and teachers in relation to BCC's response to the disruption caused by COVID-19. Our client considers that it could not have achieved such great outcomes in such challenging times without the College being a harmonious and

well-operated environment. The public narrative does not reflect the general feeling of staff and parents at the school. The past grievance of those disgruntled parents and former staff do not reflect the current reality of the school environment.

- 5.6 The College invites you (and Minister Berry, if available) to the College to see how education services in the ACT are being effectively delivered to its students in these challenging times.
- 5.7 Our client considers that this recent experience serves to demonstrate that the College is moving beyond its recent difficult period of workplace change. Our client encourages the Directorate to take a similar view.

6. Next steps

6.1 In terms of the next steps, please confirm that:

- (a) The Directorate does not propose to take any further action in relation to Ms Krajina's letter of 8 October 2019;
- (b) The Directorate no longer requires [REDACTED] to attend an assessment as to their fitness and propriety as people with management and control of the College, now that the concerns expressed in Ms Sullivan's letter of 20 September 2019 have been addressed (see above);
- (c) the assertion that the College justified or minimised the use of inappropriate language used towards children is withdrawn;
- (d) the assertion that the College justified or minimised the use of inappropriate discipline strategies is withdrawn; and
- (e) no employee of the Directorate who is involved in matters related to BCC has a personal relationship, or has had a previous work relationship, with any of those individuals engaged in disputes with the College.

We look forward to hearing from you.

Yours faithfully



Attachment: Unsolicited feedback regarding the College

Example 1 (31 March 2020)

Dear Teachers,

We (all of senior school) would like to say a very big thank you for all your support and help during this time of online learning. You have all been really kind by giving us breaks between our classes and always standing by ready to support anyone who asks for help. You've been very patient waiting for classes to start and for all you students and you have also been kind.

While we may not be able to fully comprehend how much you are doing to help run our classes as smoothly as they go but we know that you do put in a lot of effort for all our your classes and we want to say a very big thank you for everything. We hope God will continue to bless you and give you wisdom and strength in the days to come.

Lots of Love,

Example 2 (30 March 2020)

Good morning [REDACTED]

I thought it appropriate to share the following feedback from one of our [REDACTED] Another encouraging response!

"I'm speaking up on behalf of all [REDACTED] parents today to say a HUGE THANKYOU to [REDACTED] and the whole [REDACTED] leadership team and other teachers for the tremendous amount

of hard work that gone into this week and further weeks to come. So much preparation has gone into setting up the online learning platform, the take home packs of paperwork, the daily videos and ZOOM conference calls. This in itself is a huge task for the teachers to complete, but [REDACTED] you are doing it so well [REDACTED]. You should be really proud of yourself for the quality teaching you are providing to our kids even when they are not at school. [REDACTED] is thriving this week because of your guidance and support so again, a HUGE THANKYOU! Keep up the great work. We as parents understand the pressures that have been placed upon you the past few weeks! You are a wonderful teacher [REDACTED] and we are grateful that [REDACTED] has you as [REDACTED] teacher! Happy Friday everyone!"

Example 3 (30 March 2020)

Hi [REDACTED] and leadership team,

In these crazy times I wanted to take the time to say a virtual thank you for your ongoing leadership and communication. With an unknown environment that changes by the hour the flow of information and advice has been amazing. It is especially welcome at a time where we have not been able to have [REDACTED] lead us. I am thankful for the [REDACTED] team and they work we were able to do in a short space of time to prepare ourselves.

Hearing the stories from my teaching friends and colleagues in [REDACTED] makes me appreciate how lucky we are but also how prepared and far ahead of so many other schools we are. I am thankful for the College and opportunity I have had to join it. [REDACTED]

[REDACTED]. We all know that God has a plan for us and I am thankful now more than ever that he directed me to Brindabella as there is nowhere else I would rather be during these times.

In these times it is always easy to ponder on what we could be doing better rather than acknowledging what we have done well, so again thank you for your leadership and communication during what is a difficult and stressful time for us all. I wish nothing but peace and clarity for everyone as we navigate the situation together.

Thank you!!

From: [Foster, Kristen](#)
To: [DGEDUoffice](#)
Cc: [Moysey, Sean](#); [Tooth, Lynda](#); [Carroll, Camille](#)
Subject: RE: BCC: Letter regarding outstanding matters
Date: Tuesday, 14 April 2020 12:38:57 PM
Attachments: [image001.png](#)

UNCLASSIFIED Sensitive: Legal

Hi Kristen L:

We can coordinate the response.

Warm regards

Kristen

Kristen Foster GAICD CISM CISA

Executive Branch Manager, Governance and Community Liaison | ACT Education | ACT Government

Senior Executive for Business Integrity Risk (SERBIR)

T: 02 6205 6749 | M: 0466 588 990

E: kristen.foster@act.gov.au

From: Laurent, Kristen <Kristen.Laurent@act.gov.au> **On Behalf Of** DGEDUoffice

Sent: Tuesday, 14 April 2020 11:48 AM

To: Carroll, Camille <Camille.Carroll@act.gov.au>; Foster, Kristen <Kristen.Foster@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>

Cc: Moysey, Sean <Sean.Moysey@act.gov.au>

Subject: RE: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]

]

UNCLASSIFIED Sensitive: Legal

Noted, thanks Camille.

Kristen, can I leave it to your branch (Lynda) to lead in consultation with Sean's Branch?

Otherwise, we can TRIM to Sean's area.

Ta

Kristen

From: Carroll, Camille <Camille.Carroll@act.gov.au>

Sent: Tuesday, 14 April 2020 9:45 AM

To: Foster, Kristen <Kristen.Foster@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>

Subject: Re: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]

Hello,

This looks to be a matter for Lynda Tooth and Sean Moysey given the regulatory issues. Once they've considered let me know if they require legal advice on their roles in regulatory systems.

Thanks

Camille

From: Foster, Kristen <Kristen.Foster@act.gov.au>

Sent: Thursday, April 9, 2020 7:11:03 PM

To: DGEDUoffice <DGEDUoffice@act.gov.au>; Carroll, Camille <Camille.Carroll@act.gov.au>

Subject: Re: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]

Thank you!

Warm regards

Kristen

Kristen Foster GAICD CISM CISA

Executive Branch Manager (Chief Information Officer)
Digital Strategy, Services and Transformation
ACT Education Directorate
T: 02 6205 6749 | M: 0466 588 990
E: kristen.foster@act.gov.au

From: Laurent, Kristen <Kristen.Laurent@act.gov.au> on behalf of DGEDUoffice <DGEDUoffice@act.gov.au>
Sent: Thursday, April 9, 2020 6:07:36 PM
To: Foster, Kristen <Kristen.Foster@act.gov.au>; Carroll, Camille <Camille.Carroll@act.gov.au>
Subject: FW: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]
[REDACTED]

UNCLASSIFIED Sensitive: Legal

For appropriate action please. I have flagged this with Katy.
Kristen

From: [REDACTED]
Sent: Thursday, 9 April 2020 5:48 PM
To: DGEDUoffice <DGEDUoffice@act.gov.au>
Cc: BERRY <BERRY@act.gov.au>
Subject: Brindabella Christian College: Letter regarding outstanding matters [REDACTED]
[REDACTED]

Dear Director General

We act for [REDACTED]

Attached is correspondence in relation to various matters that continue to be outstanding in relation to the College.

Minister Berry has been copied into this email as, in the letter, an offer has been extended to the Minister to view the College's online learning platforms.

Kind regards

[REDACTED]



[REDACTED]

[REDACTED]

From: [Boyle, Lisa](#)
To: [Tooth, Lynda](#); [Gordon, Ken](#)
Subject: RE: Verification reports
Date: Tuesday, 14 April 2020 2:41:11 PM
Attachments: [image002.png](#)

UNCLASSIFIED

Hi Lynda,

I received BCC's verification report on 3/3/2020.

[Redacted]

[Redacted]

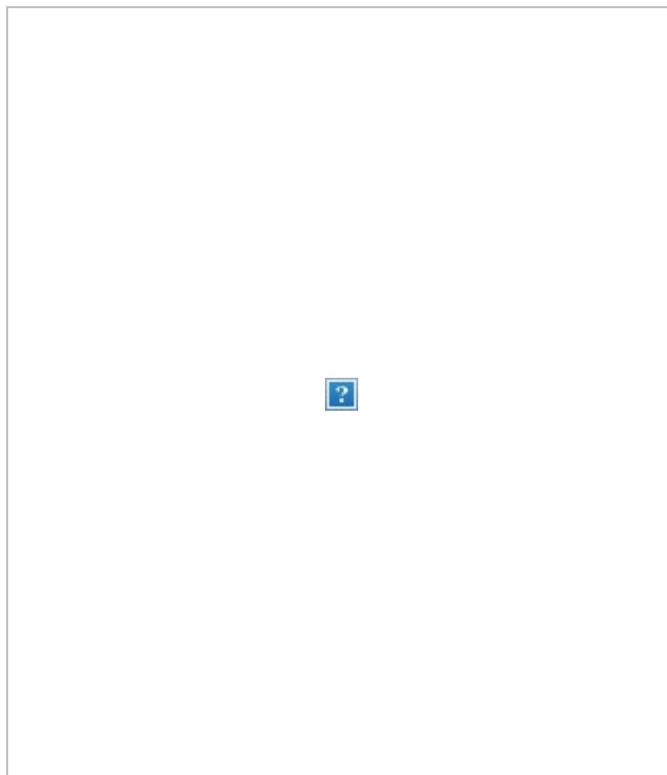
Thanks
Lisa

From: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Sent: Tuesday, 14 April 2020 2:38 PM
To: Gordon, Ken <Ken.Gordon@act.gov.au>; Boyle, Lisa <Lisa.Boyle@act.gov.au>
Subject: RE: Verification reports

Ken or Lisa

Can you provide the date BCC submitted their verification report please ... the signature date does not make sense – (See below)

Lynda



-----Original Message-----

From: Gordon, Ken <Ken.Gordon@act.gov.au>

Sent: Tuesday, 14 April 2020 9:02 AM

To: Tooth, Lynda <Lynda.Tooth@act.gov.au>

Subject: Verification reports

UNCLASSIFIED

Hi there,

Here are the verification reports that we have received.



Cheers

Ken

EDU20/560

Outcome of EDU19/1841 - Brindabella Christian College compliance with conditions of registration and other requirements

Table 1 - Acronyms

AP – Authorised Person
BCC – Brindabella Christian College
BCEL – Brindabella Christian Education Limited proprietor of BCC
NGS – Non-government School
STR – Student Transfer Register

Table 2 - Chronology

Date	Matter	Findings / Outcome	Attachment
30/7/2019	Registrar agreed to an AP enquiry/inspection of the use of STR due to irregularities detected – particularly in the independent Christian Schools; and increased student withdrawals in one NGS		
27/8/2019	AP inspection (L. Tooth and D. Krajina) of BCC re use of STR. School provided requested student data and enrolment policies.	BCC found to be not using STR as required (irregular entries, failure to mark leavers, misspelling of names)	
25/9/2019	Minister agreed to support the Directorate in requesting that BCC demonstrate their compliance with sections 75, 80, 91(b)(ii) and 94 of the Act.		Min19/2224
4/10/2019	AP investigation finalised and recommendations put to Registrar	<ul style="list-style-type: none"> • BCC was not using STR accurately • BCC was not keeping an accurate enrolment register • increased student departures in 2019 from BCC apparent 	EDU 19/1841
8/10/2019	Registrar wrote to BCC and BCEL advising AP findings and asking BCC to provide evidence they had corrected the errors, and provide other information by 31/10/2019		EDU 19/184 DOC19/32738
12/10/2019	Chair BCEL acknowledges Registrar's letter		EDU 19/1841 DOC 20/10107
24/10/2019	Lawyers acting for BCEL request for extension to respond and comment on Registrar's requests.		EDU 19/1841 DOC 19/32738
18/11/2019	Registrar provides extension until 20/12/2019 and assurance that she is not investigating the		EDU 19/1841 DOC 20/10168

EDU20/560

Outcome of EDU19/1841 - Brindabella Christian College compliance with conditions of registration and other requirements

Date	Matter	Findings / Outcome	Attachment
	complaints made to the Minister but seeking assurance of continued compliance.		
20/12/2019	Lawyers acting for BCEL respond to Registrar's request	Response either indicates BCC has rectified all issues raised; or declines to provide requested information	EDU 19/1841 DOC 20/10180
February 2020	Comparison of BCC census return with BCC STR data undertaken	<ul style="list-style-type: none"> Irregularities continue in STR and Census Net 17% loss of students in comparison in 2019 census 	
March 2020	Planning and Analytics provide signed census returns from independent school principals	<ul style="list-style-type: none"> BCC principal's signed return confirms initial census return 	
March 2020	NGE confirmed that there are irregularities between BCC's 2020 census return and BCC's STR data extracted on the day of census		
9/4/2020	Lawyers acting for BCEL ask for confirmation that:		
	(a) The Directorate does not propose to take any further action in relation to Ms Krajina's letter of 8 October 2019;	Recommend Registrar writes requesting explanation of irregularities in census and continuing irregularities in STR	
	(b) The Directorate no longer requires [REDACTED] to attend an assessment as to their fitness and propriety as people with management and control of the College, now that the concerns expressed in Ms Sullivan's letter of 20 September 2019 have been addressed (see above); (c) the assertion that the College justified or minimised the use of inappropriate language used towards children is withdrawn; (d) the assertion that the College justified or minimised the use of inappropriate discipline strategies is withdrawn; and	Recommend that CECE responds to these items	
	e) no employee of the Directorate who is involved in matters related to BCC has a personal relationship, or has had	Recommend that the Registrar advises that EDU cannot confirm this because EDU staff are in regular contact with	

EDU20/560

Outcome of EDU19/1841 - Brindabella Christian College compliance with conditions of registration and other requirements

Date	Matter	Findings / Outcome	Attachment
	a previous work relationship, with any of those individuals engaged in disputes with the College.	principals connected to ACT NGS; and may also have worked with, attended AIS events or church with BCC principals and/or their spouses.	
14/4/2020		Recommend financial viability re-assessment held until the 2021 census is conducted (given inherent student instability due to COVID 19)	

Lynda Tooth

Non-government Education



Education Directorate

CC: EGM BSD, DG office

UNCLASSIFIED

To:	Executive Branch Manager, Governance and Community Liaison	Tracking No.: EDU20/560
Date:	15/04/2020	See also EDU19/1841
From:	Senior Director, Non-government education regulation	
Subject:	Authorised Person enquiry – Brindabella Christian College (BCC) and Brindabella Christian Education Limited (BCEL)	

Recommendations

That you:

1. note the findings of the Authorised Person enquiry into Brindabella Christian College (BCC)'s:
 - a. use of the STR;
 - b. February 2020 census data;
 - c. student numbers; and
 - d. complaints handling processes and policy.

Noted / Please Discuss

2. agree to require BCC, to provide evidence that:
 - a. BCC's STR data and 2020 census return are in alignment;
 - b. all BCC students whose birthdates indicate they are over 20 years of age, are no longer marked in the STR as attending the school;
 - c. consistent grade categories will be used by BCC staff in the STR;
 - d. BCEL is complying with all elements of its Complaints Policy.

Agreed / Not Agreed / Please Discuss

3. sign the attached letter (Attachment 2) to the principal and proprietor of BCC

Signed / Not Signed / Please Discuss

4. note that this letter also:
 - a. advises that compliance with the conditions of registration is required throughout the period of registration;
 - b. notes that due to COVID-19 you will not be progressing an investigation of BCC's financial viability at the present time;
 - c. advises that you will advise the Commonwealth of BCC's decreased student numbers;
 - d. encourages BCEL to respond to its complainants; and
 - e. encourages the BCC principal to seek assistance.

Noted / Please Discuss

5. agree to the drafting of a letter from the Director General as detailed at item 17:

Agreed / Not Agreed / Please Discuss

Kristen Foster, Executive Branch Manager

Executive Branch Manager's Comments:

Background

6. During 2018 and 2019 the Commonwealth Department of Education, Commonwealth Minister for Education, ACT Minister for Education, and the Directorate became aware of growing disquiet amongst the BCC community relating to the practices of BCEL (BCC's governing body).
7. On 30 July 2019 I undertook an Authorised Person inspection of BCC to determine its Student Transfer Register and Enrolment Register practices were consistent with requirements.
8. On 25/9/2019 (under MIN19/1224) the Minister agreed to support the Directorate in requesting that BCC demonstrate their compliance with relevant sections of the Act and specifically sections 75 (parent participation and partnership between school and home); 80 (provision of information); 91(b)(ii) (safety and welfare of students); and 94 (complaints handling and investigations) to ensure they continue to meet their conditions of registration.
9. In October 2019 the then Registrar wrote to BCC and BCEL. This letter presented our findings and asked BCC to correct its errors by 31/10/2019. Due to the growing number of complaints from the BCC community and increase in student departures from the school, the Registrar also asked for evidence of financial viability and complaints management by the same date.
10. In late October 2019 lawyers acting for BCEL requested an extension to respond and provided comment on Registrar's requests. An extension was provided until 20/12/2019.
11. On 20/12/2019 lawyers acting for BCEL responded to the then Registrar. This response indicated that BCC has rectified all issues raised; and provided some but not all information required. The Registrar acknowledged the response on 20/12/2020.
12. In February 2020 the then Registrar agreed to delay responding to BCEL until a check of the CTR against BCC's census data could be made in mid-February 2020. This check was further delayed when the principal of BCC did not submit her verification of census data until early March 2020.

Issues

13. I have now completed assessment of BCC's response to the previous registrar's request of October 2019, and BCC 2020 census data and current STR usage. I have also compared BCC's Complaint's Policy with a recent complaint by [REDACTED] and the BCC website.
14. In summary I have found that the:

- a. continuing irregularities in BCC's use of the STR and lack of alignment between the data provided by BCC in the February 2020 census and the STR warrants further investigation; (Attachment 1);
 - b. net decrease in student numbers of 17% suggests that BCC financial viability may be weaker than when assessed in 2018; but that further action should not be undertaken at this point due to the likely impact of COVID-19 on all ACT independent school enrolments;
 - c. inconsistencies between BCC's Complaints handling and its policy with regard to responding to complainants and publication of procedures; warrant attention by BCEL.
15. A draft letter from you to BCEL (through BCEL's lawyers) is at Attachment 2.
16. BCEL's lawyers have now written to the Director General (about the progress of the enquiries being made into the school and matters under investigation by Sean Moysey's team) asking for the review to be closed. This letter also seeks a commitment about interactions between Directorate staff and complainants.
17. I recommend that I draft a letter from the Director General stating that:
- a. the Registrar of Non-government schools has already responded to BCEL and has requested further evidence of compliance;
 - b. the Executive Branch Manager CECA will respond separately about the matters under investigation;
 - c. the Director General understands that many Directorate staff:
 - i. speak with parents, staff and principals from across all ACT schools who seek assistance and some of whom wish to lodge a complaint about a school: and
 - ii. are in regular contact with principals and staff at ACT independent schools.

Financial Implications

18. Not applicable with this brief.

Consultation

Internal

19. Non-government Education section and Performance and Analytics Branch.

Cross Directorate

20. Shared Services ICT provided data extracts from the Student Transfer Register.

External

21. Information provided from BCEL and BCC through their legal representative.

Work Health and Safety

22. Nil with this brief.

Benefits/Sensitivities

23. The matter may require future GSO advice.

Communications, media and engagement implications

24. There has been ongoing media attention and it is anticipated that this will continue.

Signatory Name: Lynda Tooth

Phone: 58321

This document is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(xvi).

From: [Foster, Kristen](#)
To: [Parkinson, Andrew](#); [EDU, EDBSD](#); [DGEDUoffice](#)
Cc: [Tooth, Lynda](#); [Martinez, Catherine](#)
Subject: EDU20/560-Outcome of EDU19/1841- Brindabella Christian College
Date: Tuesday, 28 April 2020 11:51:19 AM

UNCLASSIFIED

Andrew and Kristen L:

Just keeping you up to date on the issues with BCC and have enclosed a link the outcomes of the review undertaken recently. There a number of areas that currently do not comply.

I will respond back to BCC (letter is enclosed in the linked container) and we also suggest we draft a letter from the DG back to BCC's legal team. We will also provide a caveat brief to the MO.

Happy to discuss further if required.

Warm regards

Kristen

Kristen Foster GAICD CISM CISA
Executive Branch Manager, Governance and Community Liaison | ACT Education | ACT Government
Senior Executive for Business Integrity Risk (SERBIR)
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-----< HPE Content Manager record Information >-----

Record Number:EDU20/560

Title:Outcome of EDU19/1841 - Brindabella Christian College compliance with conditions of registration and other requirements 2019/2020

This document is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(xvi).

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Freedom of Information Act 2016, Schedule 2.2(a)(xvi).

From: [Education Directorate](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: Response from Registrar of Non-government Schools re Brindabella Christian College
Date: Monday, 4 May 2020 5:35:00 PM
Attachments: [Response \[REDACTED\].ccd to \[REDACTED\].from Registrar NGS May 2020.pdf](#)
Importance: High

Dear [REDACTED]

Please find attached a letter from the Registrar of Non-government Schools in response to your recent letter.

Regards

Office of the ACT Registrar of Non-government Schools



Thank you for your letter of 20 December 2019 in response to information requested from the principal and chairman of the board of Brindabella Christian College (BCC) by the previous Registrar of Non-government Schools. I apologise for the delay in responding.

Student Transfer Register (STR)

Thank you for advising that:

- a) the data loaded by BCC into the STR:
 - is now accurate;
 - uses all required STR exit codes; and
 - records that the graduating class of 2018 have left the school;
- b) BCC staff undertook STR training in November 2019; and
- c) BCC has established procedures to ensure compliance with the use of the STR.

A review of BCC's STR data following receipt of BCC's 2020 census return identified that:

- 134 students listed on BCC's 2020 census return did not appear in BCC's STR data uploads as at 20 February 2020;
- a number of students whose birthdates indicate they are over 20 years of age, continue to be marked in the STR as attending the school; and
- inconsistent grade categories for BCC students continue to appear in the STR.

February 2020 census return

In February 2020 the BCC principal provided a census return. This return listed that 883 students were enrolled at the school. The principal then submitted a verification report on 3/3/2020 confirming these student numbers.

Unfortunately, a comparison of BCC's census return and its STR data indicated that following receipt of BCC's 2020 census 134 students appear on BCC's 2020 census return but did not also appear in the STR.

Financial viability

Thank you for providing BCC's five-year financial projections. As all data was redacted from these projections, I am unable to utilise this document as evidence of BCC's continuing financial viability. For your information compliance with the conditions of registration is required not only when a school applies to the Minister for registration renewal but throughout the period of registration.

Following receipt of BCC's 2020 census return, a comparison of this data was made with BCC's 2019 census return. This comparison confirmed that BCC had suffered a net decrease of students by 17% when compared to the 2019 census. As student numbers directly impacts government funding, it is reasonable for the Education Directorate to ask for evidence that BCC continues to be financially viable when STR data showed that throughout 2019 student departures from BCC were unusually high.

Given the difficulties ACT non-government schools will face in 2020 due to COVID-19, I have determined not to further progress an investigation into BCC's financial viability at this time; but will advise the Commonwealth of our findings regarding BCC decrease in student numbers.

Complaints management

Thank you for providing an outline of BCEL's complaint handling processes and a copy of BCC's Complaints Policy which is owned by BCEL as the Board of BCC and was updated in June 2018.

I note that it is BCEL's policy (Item 6.5) that complainants be kept informed about the progress of their complaint; and that procedures relating to formal mediation and resolution of complaints (Item 7) be publicly available.

I am aware that Education Directorate has been approached by parents of students enrolled, or formerly enrolled, at BCC who claim to have received no response from BCEL to complaints or letters of feedback asking for information from BCEL. I am also aware that BCEL's procedures relating to formal mediation and resolution of complaints are, as at the beginning of April 2020, not publicly available on BCC's website.

Conclusion

I therefore request that you provide by the 30 May 2020 evidence that:

- BCC's STR data and 2020 census return are in alignment;
- all BCC students whose birthdates indicate they are over 20 years of age, are no longer marked in the STR as attending the school;

- consistent grade categories will be used by BCC staff in the STR;
- BCEL is complying with all elements of its Complaints Policy.

I further suggest that you encourage your client to respond in writing to all complaints and letters of feedback made to BCEL since the beginning of 2019.

I wish to assure you that the Senior Director Non-government Education Regulation, Ms Lynda Tooth is available to assist all independent school principals in matters pertaining to the requirements for operating a non-government school in the ACT.

If the BCC principal wishes to avail [redacted] of any assistance, particularly regarding to rectifying the continuing data issues relating to the census and the Student Transfer Register; [redacted] may contact Ms Tooth directly on 6205 8321.

Yours sincerely

[redacted]

Kristen Foster
Registrar ACT Non-government Schools
4 May 2020

CC

[redacted]

[redacted]