



# DEED OF GRANT

**Dated**

April 2015

**Parties**

**AUSTRALIAN CAPITAL TERRITORY**

CANBERRA RUDOLF STEINER ASSOCIATION INC T/AS  
ORANA STEINER SCHOOL  
85 091 899 426

**SUPPORTING NON-GOVERNMENT PRESCHOOLS  
CAPITAL GRANTS PROGRAM**

**Prepared by**

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

**CANBERRA RUDOLF STEINER ASSOCIATION INC**  
**T/AS ORANA STEINER SCHOOL 85 091 899 426 of**  
**UNWIN PLACE, WESTON ACT 2611 (School).**

## **BACKGROUND**

- A. As part of the Territory's initiative to support non-government preschools to provide high quality early childhood education, the Territory will offer capital grants to help establish and upgrade Preschools through its Supporting Non-Government Preschools Capital Grants Program (**Capital Grants Program**).
- B. Pursuant to the Master Funding Agreement, BGA has agreed to administer the Capital Grants Program on behalf of the Territory including the management of the grant applications process and payment of the Grant on completion of the relevant milestones and activities as set out in the **Schedule 2**.
- C. The School has submitted an application to BGA for funding to undertake the Capital Works at the Site.
- D. The Territory has agreed to make and the School has agreed to accept the Grant for the purpose of completing the Capital Works at the Site on the terms and conditions of this Deed.

**IT IS AGREED** by the parties as follows.

## **1. Interpretation**

### **1.1 Definitions**

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

<b>Approval</b>	means any licence, permit, consent, approval, determination, certificate or other requirement necessary for the lawful construction of the Capital Works.
<b>BGA</b>	means the ACT Block Grant Authority Inc ABN 21 292 628 376, acting in its capacity as agent for the Territory.
<b>BGA Contact Officer</b>	means BGA's representative whose name and contact details are specified in <b>Item 3 Schedule 1</b> , or as notified in writing from time to time by the Territory.
<b>Building Code of Australia</b>	means the Building Code of Australia produced and maintained by the Australian Building Codes Board on behalf of the Australian Government and State and Territory Governments as amended from time to time.
<b>Business Day</b>	in relation to the doing of any action in a place, means any day other than a Saturday, Sunday, public holiday or bank

	holiday in that place.
<b>Capital Works</b>	means the capital works to be undertaken by the School as part of the Capital Works Program which are summarised in <b>Schedule 2</b> and which will result in the completed or upgraded Preschool (as the case may be).
<b>Certificate of Occupancy</b>	means an unqualified certificate of occupancy issued by the relevant authority under the <i>Building Act 2004</i> (ACT) that the Capital Works are fit for occupancy and the Designated Use.
<b>Contact Officer</b>	in relation to each party, means the representatives whose names and contact details are specified in <b>Item 3 Schedule 1</b> , or as notified in writing from time to time by one party to the other.
<b>Date for Commencement of Capital Works</b>	means the date for commencement of the Capital Works specified in <b>Item 3 Schedule 2</b> or as otherwise agreed by the Territory in writing.
<b>Date for Commencement of the Preschool</b>	means the date for commencement of the Preschool specified in <b>Item 3 Schedule 2</b> or as otherwise agreed by the Territory in writing.
<b>Date for Practical Completion</b>	means the date by which the School must achieve Practical Completion of the Capital Works or as otherwise agreed by the Territory in writing.
<b>Designated Use</b>	means the designated use specified in <b>Item 1 Schedule 2</b> .
<b>Designated Use Period</b>	commences on the Date for Commencement of the Preschool and ends on the day which is 10 years from the Date for Commencement of the Preschool.
<b>Expiry Date</b>	means the date on which the Designated Use Period ends.
<b>Force Majeure Event</b>	means a circumstance or event which was not contemplated by the School and which could not reasonably have been foreseen by the School and is beyond School's reasonable control, including acts of God, war or other hostility, national or international disaster, fire, explosion, power failure, strike or lockout, but does not include circumstances or events caused by acts or omissions of the School's officers, employees, sub-contractors or agents.
<b>Grant</b>	means the amount specified in <b>Item 1 Schedule 1</b> and any interest accruing on that amount after it has been paid to the School.
<b>Grant Material</b>	means all reports, documents, information or other records created, written or otherwise brought into existence by the School as part of, or for the purpose of administering the Grant arrangement, including for the purpose of <b>clauses 10</b> and <b>11</b> (whether in draft or final form), and stored by any

means.

<b>Grant Period</b>	has the meaning set out in <b>clause 6</b> .
<b>GST</b>	has the same meaning as it has in the GST Act.
<b>GST Act</b>	<i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
<b>Insolvency Event</b>	<p>(1) in respect of a natural person, means:</p> <p>(a) any orders, agreements or arrangements are made in respect of the affairs of the person in accordance with the <i>Bankruptcy Act 1966</i> (Cth); or</p> <p>(b) in the reasonable opinion of the Territory the person is likely to be declared bankrupt or lose control of the management of their financial affairs; or</p> <p>(2) in respect of all other entities, means:</p> <p>(a) any of the events listed in sub-sections 459C(2)(a) to (f) of the <i>Corporations Act 2001</i> (Cth) occur in respect of the entity; or</p> <p>(b) any other event occurs which, in the reasonable opinion of the Territory is likely to result, or has resulted, in the:</p> <p>(i) insolvency;</p> <p>(ii) winding up; or</p> <p>(iii) appointment of a controller (as that term is defined in the <i>Corporations Act 2001</i> (Cth)) in respect of part or all of the property,</p> <p>of the entity.</p>

For the purpose of subparagraph (2)(b) above, subsections 459C(2)(a) to (f) of the *Corporations Act 2001* (Cth) are to be read as if applying to all incorporated entities.

<b>Interest</b>	means interest calculated at an interest rate equal to the general interest charge rate for a day pursuant to section 8AAD of the <i>Taxation Administration Act 1953</i> (Cth) on a daily compounding basis.
<b>Invoice</b>	means an invoice that: <p>(1) if GST is payable in respect of any taxable supply made under this Deed, is a valid tax invoice for the purposes of the GST Act;</p>

- (2) clearly sets out the details of the Capital Works undertaken or to be undertaken and the amount that is due for payment, is correctly calculated and is in respect of the Capital Works;
- (3) sets out or is accompanied by any other details or reports required under this Deed; and
- (4) is rendered at the times specified in **Item 2 Schedule 1** (if any) and addressed to BGA's Contact Officer.

<b>Practical Completion</b>	occurs when the requirements of <b>clause 3.6</b> have been met.
<b>Preschool</b>	means a non-government preschool that is registered under the <i>Education Act 2004</i> (ACT).
<b>Master Funding Agreement</b>	means the agreement between the Territory and BGA dated 28 March 2014 (Contract 2014.23817.210) in relation to the administration of the Capital Grants Program.
<b>Reports</b>	means any report of other notification required to be provided to BGA or the Territory (as the case may be) in accordance with <b>clause 11</b> .
<b>Site</b>	means the location at which the Capital Works will be undertaken as specified in <b>Item 1 of Schedule 2</b> .
<b>Territory</b>	when used: <ol style="list-style-type: none"> <li>(1) in a geographical sense, means the Australian Capital Territory; and</li> <li>(2) in any other sense, means the body politic established by section 7 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cth).</li> </ol>

## 1.2 General

In this Deed, unless a contrary intention is expressed:

- (1) references to a party includes any employee, agent or subcontractor of that party;
- (2) references to legislation or to provisions in legislation include references to amendments or re-enactments of them and to all regulations and instruments issued under the legislation;
- (3) words in the singular include the plural and vice versa;
- (4) headings are for convenience only and do not affect the construction or interpretation of this Deed;
- (5) an obligation imposed on more than one person binds them jointly and severally;
- (6) where a word or phrase is given a defined meaning, any other part of speech

or other grammatical form of that word or phrase has a corresponding meaning; and

- (7) the word “include” and any derivation of that word is to be construed without limitation.

## **2. Capital Works Phase**

### **2.1 Planning, design and Approvals**

The School is responsible for the planning and design of the Capital Works and must ensure that all documents necessary to complete the planning and design of the Capital Works are properly developed and are fit for purpose. The School must provide any such documents to BGA promptly upon request by BGA.

### **2.2 Approvals**

The School must obtain all Approvals for:

- (1) the construction of the Capital Works; and
- (2) the use of the Capital Works for the Designated Use,

and must deliver copies of the each Approval to BGA promptly upon request by BGA.

## **3. Performance of the Capital Works**

### **3.1 Commencement of Capital Works**

The School agrees to commence the Capital Works, or to ensure the Capital Works are commenced on or before the Date for Commencement of Capital Works unless the Territory otherwise agrees in writing or unless commencement is prevented by a Force Majeure Event.

### **3.2 School Obligations**

The School must ensure the Capital Works are carried out:

- (1) in accordance with the Approvals;
- (2) in accordance with **Item 2 Schedule 2**;
- (3) diligently, effectively and to a high professional standard; and
- (4) so as to ensure that the Preschool will be fit for the Designated Use during the Designated Use Period.

### **3.3 Acceptance of risk for Capital Works**

The School accepts all risks in respect of the conduct and completion of the Capital Works including, without limitation, all risks of and associated with the design, construction and completion of the Capital Works, including in relation to any budget over-runs.

### **3.4 Construction Standards**

The School must ensure that:

- (1) all aspects of the Capital Works are undertaken by qualified tradespeople or professionals who are registered with relevant Territory accreditation bodies to the extent that such bodies exist to regulate the activities of members of that particular trade or profession;
- (2) all activity relating to the Capital Works is carried out in accordance with the requirements and standards of all statutory requirements applicable to the building, construction and fit out of the Site; and
- (3) the Capital Works comply with the requirements of the Building Code of Australia and all relevant Australian Standards.

### 3.5 Variations to Capital Works

- (1) The School must notify BGA in writing of all proposed variations to the Capital Works that would or might reasonably be expected to have an effect on:
  - (a) the cost of the Capital Works;
  - (b) the timeframes for completion of the Capital Works, including the Date for Practical Completion;
  - (c) the fitness of the completed Capital Works for the Designated Use; or
  - (d) the Approvals obtained in relation to the Capital Works.
- (2) The School must ensure that any notification under **clause 3.5(1) (Variation Proposal)**:
  - (a) is signed by a duly authorised officer of the School;
  - (b) clearly explains what variation is proposed and why (including specifying its effect on each relevant item set out in **clause 3.5(1)**); and
  - (c) explains the impact (if any) that the variation or departure will have on the outcomes of this Deed.
- (3) The Territory will consider the Variation Proposal, and will, within 20 Business Days of such Variation Proposal being provided to BGA and in the Territory's absolute discretion:
  - (a) approve the Variation Proposal;
  - (b) not approve the Variation Proposal; or
  - (c) take such other action with respect to the Variation Proposal as the Territory determines appropriate, which may include notifying the School of further matters which the Territory requires the School to address in order for the Variation Proposal to be approved by the Territory.
- (4) On receipt of notification under **clause 3.5(3)(c)**, the School must promptly amend the Variation Proposal as required by the Territory and resubmit it for re-consideration by the Territory in accordance with **clause 3.5(2)**.



- (5) Any Variation Proposal approved by the Territory under **clause 3.5(3)(a)** will be attached to and form part of this Deed.
- (6) The School must not vary the Capital Works in respect of a matter referred to in **clause 3.5(1)** without the Territory's approval in writing of a Variation Proposal.
- (7) For the avoidance of doubt, the Territory and BGA will not and are not under any obligation to, provide funds additional to the Grant where the Territory receives or approves a Variation Proposal.

### **3.6 Requirements for Practical Completion**

In order to achieve Practical Completion:

- (1) the Capital Works must be:
  - (a) complete and free from errors, defects or omissions except for errors, defects or omissions that:
    - (i) are of a minor nature;
    - (ii) the immediate making good of which by the School is not reasonably practicable;
    - (iii) the existence of which or the making good of which by the School will not significantly inconvenience the use of the Capital Works for the Designated Use; and
    - (iv) which do not cause any legal or physical impediment to the use and occupation of the Site and the Capital Works for the Designated Use;
  - (b) fit for use for the Designated Use; and
- (2) the School must:
  - (a) provide written certification to BGA from a representative authorised by the School who:
    - (i) is appropriately qualified to provide such certification (as specified in **clause 3.7**); and
    - (ii) has inspected the Capital Works on their completion; or
  - (b) otherwise have proven, in written form and to the satisfaction of BGA in accordance with BGA procedures,

that the Capital Works meet the requirements set out in **clause 3.6(1)**.

### **3.7 Qualifications for Authorised Representative**

For the purposes of **clause 3.6(2)(a)(i)**, the representative authorised by the School must be:

- (1) a qualified architect registered with the Architects Board or other equivalent professional organisation satisfactory to BGA; or

- (2) a builder licensed under the construction occupation licensing legislation in force in the Territory; or
- (3) a qualified engineer registered with the National Professional Engineers Register or other equivalent professional organisation satisfactory to BGA.

### **3.8 Date for Practical Completion of Capital Works**

The School must achieve Practical Completion on or before the Date for Practical Completion except where Practical Completion is prevented by a Force Majeure Event.

### **3.9 Certificate of Occupancy**

The School must provide to BGA a copy of the Certificate of Occupancy on or before the Date for Commencement of the Preschool.

### **3.10 Force Majeure**

- (1) Where a Force Majeure Event occurs which has affected, or which the School considers is reasonably likely to affect, the School's ability to ensure that the Capital Works are:
  - (a) commenced by the Date for Commencement of Capital Works; or
  - (b) completed by the Date for Practical Completion,
 the School must:
  - (c) notify BGA of the Force Majeure Event and its affect or likely affect on the Practical Completion as well as its likely duration and the steps being taken by the School to overcome the Force Majeure event; and
  - (d) take all reasonable steps, and use its best endeavours, to remove, overcome or minimise the effects of the Force Majeure Event and ensure the Capital Works are commenced, or completed, as the case may be, as soon as is practicable.
- (2) For the avoidance of doubt, the School will not be entitled to any payment of the Grant which is linked to the School's commencement of or Practical Completion of (as the case may be) the Capital Works to the extent that a Force Majeure Event prevents the School from commencing or completing (as the case may be) the Capital Works, unless otherwise agreed by the Territory in writing.

## **4. Payment and use of Grant**

### **4.1 Payment of Grant to School**

The BGA will pay the Grant to the School at the times and in the manner specified in **Item 1 of Schedule 1** and using its own procedures to disperse the Grant ensuring the School has met appropriate milestones and subject to:

- (1) the School's compliance with this Deed; and
- (2) **clause 5.1.**

#### 4.2 No provision of additional funds to meet project over-runs

- (1) Without limiting **clause 3.3**, the School accept the risk of the actual cost of the design, construction and completion of the Capital Works for the Preschool being greater than anticipated by the School.
- (2) The Territory will not, and is under no obligation to, provide to BGA on the School's behalf any funds additional to the Grant (and BGA will not, and is under no obligation to, provide to the School any funds additional to the Grant) including where the actual cost of the design, construction and completion of the Capital Works is greater than anticipated, or where BGA receive or approve a Variation Proposal under **clause 3.5**.

#### 4.3 Use of Grant

The School must use the Grant only for the Capital Works and otherwise in accordance with the provisions of this Deed.

### 5. Withholding, repayment and recovery of Grant

#### 5.1 Where the Territory and BGA are not required to make payments

- (1) Without limiting any other rights the Territory may have under this Deed, or the Territory's and BGA's rights at general law:
  - (a) the Territory is not required to pay BGA the Grant; and
  - (b) BGA is not required to pay the School the Grant;
 if the School is in breach of this Deed.
- (2) For the purposes of **clause 5.1(1)**, the School will be in breach of this Deed including in circumstances where the School:
  - (a) does not undertake or perform the Capital Works as required by this Deed (including by not meeting relevant timeframes);
  - (b) undertakes or performs the Capital Works other than as allowed for by this Deed;
  - (c) does not provide Reports or other information as required by, or pursuant to, this Deed (or does not provide such Reports or other information in the timeframe required by this Deed); or
  - (d) expends the Grant other than in accordance with the requirements of this Deed.

#### 5.2 The Territory's right to repayment of the Grant where the Preschool is not used for Designated Use

- (1) Where the School has failed to comply with its obligations under **clause 7**, the Territory may, in the Territory's absolute discretion, recover from the School an amount of the Grant calculated in accordance with the formula set out in **clause 5.2(2)**.
- (2) For the purposes of **clause 5.2(1)**, the formula is as follows:

$$\text{Recoverable amount} = G - [G/10 \times Y]$$

where G is the total amount of the Grant paid to the School (excluding any such amounts that have already been recovered by BGA or the Territory); and

Y is the number of completed years since the commencement of the Designated Use Period, as at the time the School first failed to comply with its obligations at **clause 7**.

- (3) For the avoidance of doubt, where the School first fails to comply with its obligations under **clause 7** within one year of the commencement of Designated Use Period, the Territory may recover in full the total amount of Grant paid to the School and which has not already been recovered by BGA or the Territory.

### 5.3 Repayment of Grant

- (1) Without limiting any other clause in this Deed, the School agrees that the Territory may recover from the School any amount of the Grant that the School has not spent or committed in accordance with this Deed as at Date for Commencement of the Preschool or date of earlier termination of this Deed.
- (2) Without limiting any other clause in this Deed, the School agrees that the Territory may require the School to repay an amount equivalent to any amount of the Grant that the School has:
- (a) spent other than in accordance with this Deed; or
  - (b) not acquitted to the Territory's reasonable satisfaction;

at any time where the Territory provides the School with a notice in writing that the School is required to repay such amount.

### 5.4 Territory and BGA may defer, suspend, reduce or withhold payments

Without limiting any other rights the Territory may have under this Deed, or at general law, the Territory may defer, suspend, reduce or withhold all or part of the Grant to the BGA for the School, and BGA will accordingly defer, suspend, reduce or withhold all or part of the Grant to the School:

- (1) until the School has performed to the Territory's satisfaction the obligation to which the Grant relates; or
- (2) where the Territory forms the reasonable opinion that the full payment is not properly required by the School because of Grant surpluses or underspends.

### 5.5 Recoverable amounts must be repaid or offset

- (1) Subject to **clause 5.5(2)**, where any amount is recoverable by the Territory under this Deed, including an amount recoverable under **clauses 5.2, 5.3 or 5.4 (Recoverable Amount)**, the School agrees to pay the Recoverable Amount to the Territory or as otherwise directed by the Territory, in full within 21 Business Days of a request in writing from the Territory to do so.
- (2) If the Territory agrees in writing that the School does not have to pay all or some of the Recoverable Amount to the Territory, then the School does not have to pay the Territory that amount the Territory agrees to, but:
  - (a) the Territory may recover all or some of the Recoverable Amount

from the School by offsetting the amount against any amount subsequently due to the School under this Deed, or any other arrangement or agreement between the School and the Territory; or

- (b) the Territory may request the School in writing to deal with all or some of the Recoverable Amount in a particular way, and the School agrees to deal with such amount as the Territory requests.

## **5.6 Amounts unpaid are debts due to the Territory**

If:

- (1) the School does not pay the Territory an amount owing under **clause 5.5(1)**; or
- (2) the Territory is not able to recover an amount the Territory wishes to recover under **clause 5.5(2)(a)**; or
- (3) the School does not deal with an amount as the Territory directs under **clause 5.5(2)(b)**;

then:

- (4) the School must pay the amount arising under **clauses 5.6(1), 5.6(2), or 5.6(3)** to the Territory and must also pay the Territory Interest on such amount from the date it was due to be paid, or offset or dealt with as the case may be, and then for the period of time it remains unpaid to the Territory; and
- (5) the relevant amount, and Interest owed under **clause 5.6(4)**, will be recoverable by the Territory as a debt due to the Territory by the School.

## **6. Grant Period**

This Deed commences on the Date of this Deed and ends on the Expiry Date, unless terminated earlier in accordance with the terms of this Deed.

## **7. Obligations during Designated Use Period**

### **7.1 Maintenance, upkeep and insurance obligations**

At all times during the Designated Use Period the School must, at its own cost:

- (1) safeguard the Preschool and any associated equipment against loss, damage or unauthorised use;
- (2) maintain the Preschool in good condition;
- (3) reinstate the Preschool and any associated equipment if it is damaged or destroyed; and
- (4) without limiting **clause 14**, effect and maintain appropriate insurance in respect of the Preschool.

### **7.2 Designated Use Obligations**

At all times during the Designated Use Period the School must:

- (1) use the Preschool, or ensure the Preschool is used, for the Designated Use;

- (2) not use the Preschool, or permit the Preschool to be used, in a way that would have the effect of preventing the Preschool being used for the Designated Use; and
- (3) not dispose of the Site or any part of the Site.

## **8. Separate accounting for Grant**

### **8.1 Separately account for Grant**

The School must, within its accounting system, account for the Grant separately from any other funds of the School.

### **8.2 Bank account**

The School must ensure that the Grant, once provided to the School by the BGA, is held in an account in the School's name and which the School solely controls, with a bank or credit union authorised by the Australian Prudential Regulatory Authority to carry on banking business in Australia.

## **9. GST**

### **9.1 Definitions**

Expressions in this **clause 9** which are not defined in this Deed but which are defined in the GST Act have the same meaning as in the GST Act.

### **9.2 Consideration is Exclusive of GST**

Unless otherwise expressly stated, all amounts, prices, values or other sums payable or to be provided under this Deed are exclusive of GST.

### **9.3 GST On Taxable Supply**

If GST is payable on any supply made under this Deed:

- (1) the recipient of the taxable supply must pay to the supplier an amount equal to the GST payable on the taxable supply in addition to and at the same time as payment for the taxable supply is required to be made under this Deed; and
- (2) the supplier must give the recipient a tax invoice for the taxable supply.

## **10. Records**

### **10.1 Obligation to keep records**

The School must:

- (1) keep all records necessary to substantiate expenditure of the Grant in compliance with applicable laws;
- (2) provide a complete and detailed record and explanation of:
  - (a) expenditure of the Grant;
  - (b) other money received and spent on the Capital Works;
  - (c) the progress of the Capital Works; and

(d) any other records in respect of the Capital Works;

that the Territory may reasonably require from time to time; and

- (3) retain the records referred to in this clause for at least 7 years following the completion of the Capital Works or the expiration or termination of this Deed, whichever occurs first.

## 10.2 Access

- (1) To audit the School's compliance with this Deed, the Territory may, at reasonable times and on reasonable notice, enter the School's premises and inspect the records kept by the School and the progress of the Capital Works.
- (2) The School must:
- (a) give the Territory access to those facilities and such assistance as may reasonably be necessary to enable the Territory to conduct an audit under **clause 10.2(1)**; and
- (b) permit the Territory, at its own cost, to take copies of any records which it reasonably considers relevant to its audit.

## 10.3 Territory's Auditor-General

Any of the Territory's rights under this **clause 10** may be exercised by the Territory's Auditor-General, her delegate or any relevantly qualified person engaged to perform any functions of the Auditor-General.

## 11. Reporting of progress and expenditure

### 11.1 Progress Report

The School must provide to BGA written reports relating to the progress of the Capital Works and expenditure of the Grant (**Progress Report**) in the manner and at the times required in **Schedule 2**.

### 11.2 Final Acquittal Report

- (1) The School must provide to BGA an audited final acquittal report (**Final Acquittal Report**) in the manner and at the time required in **Schedule 2**.
- (2) The Final Acquittal Report must be prepared in accordance with Australian Accounting Standards.
- (3) The Final Acquittal Report must be audited:
- (a) in accordance with Australian Auditing Standards; and
- (b) by a person who is:
- (i) registered as a company auditor under the *Corporations Act 2001* (Cth), or a member of the Institute of Chartered Accountants in Australia, or of CPA Australia or the National Institute of Accountants; and
- (ii) not a principal, member, shareholder, officer or employee of

the School.

### **11.3 Designated Use Period Report**

If requested by the Territory, the School must provide to the Territory a written report relating to the use of the Preschool for the Designated Use (**Designated Use Period Report**) in the manner and at the times required in **Schedule 2**.

### **11.4 Other notifications**

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

## **12. Acknowledgement of Funding**

### **12.1 Acknowledgement of Territory support**

The School must in relation to the Capital Works:

- (1) acknowledge the support of the Territory in any public event, media release or media coverage; and
- (2) if requested by the Territory, erect a commemorative plaque in a prominent position on the Preschool with the form of acknowledgement set out in **Item 4 Schedule 1**.

### **12.2 Other obligations**

The School must:

- (1) in relation to the material referred to in **clause 12.1(1)**, promptly provide to the Territory:
  - (a) if required under **Item 4 Schedule 1**, or as otherwise requested by the Territory, a draft of that material at least 10 Business Days prior to publishing or printing; and
  - (b) a copy of that material;
- (2) on reasonable notice, invite the Territory to participate in any public event, media release or media coverage related to the Capital Works.

## **13. Intellectual Property Rights**

### **13.1 Ownership of Grant Material**

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

### **13.2 Licence to Territory**

The School grants to the Territory an irrevocable, non-exclusive, royalty-free licence to use the Grant Material including to supply, reproduce, publish, perform, communicate, broadcast, adapt and copy the Grant Material.



## 14. Insurance and Indemnity

### 14.1 School's insurance

The School must effect and maintain for the Term all insurance coverage required to be effected by it by law, and insurance of the types and in amounts not less than the amounts (if any) specified by **Item 2 Schedule 1**, with an insurer that is authorised by the Australian Prudential Regulation Authority to conduct new or renewal insurance business in Australia and rated at AA or better by Standard & Poor's.

### 14.2 Indemnity

The School indemnifies the Territory, its employees and agents against liability in respect of all claims, costs and expenses in relation to all loss, damage, injury or death to persons or property caused by the School, its employees, agents or contractors in connection with the conduct of the Capital Works or this Deed, except to the extent that the Territory caused or contributed to the relevant loss, damage or injury.

## 15. Termination of Grant

### 15.1 Default

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

- (1) is the subject of an Insolvency Event;
- (2) fails to undertake the Capital Works diligently and in a timely manner, having regard to any timeframes specified in this Deed; or
- (3) is in breach of a provision of this Deed, where that breach:
  - (a) if capable of being remedied, is not remedied within the period specified in a written notice by the Territory, or
  - (b) is not capable of being remedied.

### 15.2 No prejudice

Nothing in this **clause 15** prejudices any other rights or remedies of the Territory in respect of any breach of this Deed.

## 16. Termination of Master Funding Agreement

### 16.1 Territory's rights where Master Funding Agreement is terminated

Where, for any reason, the Master Funding Agreement is terminated, the Territory may:

- (1) terminate this Deed under **clause 15**;
- (2) make payments of the Grant directly to the School, where the School has met the conditions relevant to the payment **in Schedule 1** to the Territory's satisfaction;
- (3) direct another party (including, but not limited to, BGA) to make payments of the Grant to the School, where the School has met the conditions relevant to

the payment in **Schedule 1** to the Territory's satisfaction; or

- (4) take such other action with respect to this Deed as the Territory, acting reasonably, determines is necessary and appropriate.

## **16.2 Consultation with School**

In making any decision under **clause 16.1**, the Territory will consult with the School where the Territory considers such consultation is necessary and appropriate.

## **17. Dispute Resolution**

- (1) If a difference or dispute (**Dispute**) arises in relation to this Deed, then either party to the Dispute may give written notice to the other that a Dispute exists, which specifies details of the Dispute, and the parties agree that they will endeavour to resolve the Dispute by negotiations, or, if the Dispute has not been resolved within 28 days of the issue of the notice, undertake mediation with an independent mediator, the cost to be shared by the parties to the Dispute unless otherwise agreed.
- (2) Nothing in this **clause 17** will prejudice the rights of either party to institute proceedings to enforce this Deed or to seek injunctive or urgent declaratory relief in respect of any Dispute.

## **18. Variation**

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

## **19. General**

### **19.1 No assignment**

The School must not assign the whole or any part of this Deed without the prior written consent of the Territory. If the Territory gives its consent, the Territory may impose any conditions.

### **19.2 Conflict of interest**

The School warrants that at the start of the Grant Period no conflict of interest exists or is likely to arise in the performance of the Capital Works and of its other obligations under this Deed and must, if a conflict or risk of conflict of interest arises during the Grant Period, notify the Territory immediately in writing and comply with any requirement of the Territory to eliminate or otherwise deal with that conflict or risk.

### **19.3 No employment, partnership or agency relationship**

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

### **19.4 Entire agreement**

This Deed comprises the entire agreement between the parties in relation to the Grant

and the Capital Works and supersedes any prior representations, negotiations, writings, memoranda and agreements.

### **19.5 Severability**

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

### **19.6 No waiver**

Failure or omission by a party at any time to enforce or require strict or timely compliance with any provision of this Deed will not affect or impair that provision in any way or the rights and remedies that party may have in respect of that provision.

### **19.7 Compliance with laws and governing law**

This Deed is governed by and construed in accordance with the law for the time being in force in the Territory and the parties submit to the non-exclusive jurisdiction of the courts of the Territory. The School must comply with the laws from time to time in force in the Territory in conducting the Capital Works.

### **19.8 Notices**

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

- (1) if delivered by hand, on delivery;
- (2) if sent by prepaid mail, on the expiration of two days after the date on which it was sent;
- (3) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the School's address; or
- (4) if sent by electronic mail, on whichever of the following occurs first:
  - (a) the other party's acknowledgment of receipt by any means,
  - (b) the sender's electronic mail device recording that the electronic mail has been successfully transmitted to the School's address, or
  - (c) expiration of two business days after the date on which it was sent without receipt of a notification that the delivery failed,

and if given in two or more ways, on the first of paragraphs (1) to (4) occurring.

### **19.9 Forms and statements**

The Territory may reasonably require any form, record or statement required under this Deed to be in a particular form.

**19.10 Survival of clauses**

- (1) **Clauses 13, 14.2** and this **clause 19.10** will survive the expiration or earlier termination of this Deed.
- (2) **Clause 10.1(3)** applies during the Grant Period and for 7 years from the Expiry Date or earlier termination of this Deed.

## SCHEDULE 1

### GRANT DETAILS

- Item 1. Grant**  
*See clauses 1.1 and 4*
- (1) Grant: **\$550,000.00** (GST inclusive)
  - (2) The Grant is payable by instalments. Invoices may only be rendered in accordance with **Item 3 Schedule 2**.
  - (3) Except if otherwise stated in this Deed, the Grant is:
    - (a) payable within 30 days of receipt by BGA of an Invoice; and
    - (b) inclusive of GST and all other taxes, duties and charges.
- Item 2. Other insurance requirements**  
*See clause 14.1*
- (1) Public Liability Insurance: \$20 million (in respect of each occurrence).
  - (2) Building Replacement and Content Insurance.
- Item 3. Contact Officers**  
*See clauses 1.1 and 19.8*
- For the Territory:**  
Mark Whybrow  
Chief Financial Officer  
GPO Box 158, Canberra ACT 2601  
Ph: 6205 5338
- For BGA:**  
[REDACTED]  
ACT Block Grant Authority  
National Surveyors House  
27-29 Napier Close  
DEAKIN ACT 2600  
Ph: 02 6285 1808
- For the School:**  
[REDACTED]  
Orana Steiner School  
[REDACTED]  
Unwin Place  
Weston ACT 2611  
[REDACTED]
- Item 4. Form of Acknowledgement**  
*See clause 12.1*
- “This building was constructed with the assistance of the ACT Government.”

## SCHEDULE 2

### CAPITAL WORKS DETAILS

#### Item 1. Project Details

<b>Project Number</b>	P2014/2912
<b>Funding Round</b>	2014 (Round 1 and 2)
<b>Project Name</b>	Construction of a new Preschool Building
<b>Site</b>	Block 12 Section 94 in the Division of Weston (also known as Canberra Rudolf Steiner Association Inc T/AS Orana Steiner School) in the Australian Capital Territory.
<b>This project is for</b>	Construction of Preschool infrastructure
<b>Designated Use</b>	Delivery of a preschool program, being a program delivered by a qualified early childhood teacher in accordance with the national early years framework for 15 hours per week for 40 weeks a year (or equivalent) to preschool aged children (4-5 years old).

#### Item 2. Capital Works Description

The Grant was approved for the *Construction of the Canberra Rudolf Steiner Association Inc T/AS Orana Steiner School Preschool*. The approved Capital Works includes:

*Construction of a new preschool building which will include 2 classrooms, student amenities, staff facilities, administration, landscaping, playground and fencing*

#### Item 3. Project Timeframe

<b>Due Date</b>	<b>Description of Milestone</b>	<b>Payment to School</b>
	<b>Milestone 1: Execution</b> <ul style="list-style-type: none"> <li>• Execution of this Deed.</li> </ul>	10% <i>\$50,000.00</i>
<i>15-Apr-15 (Date for Commencement of Capital Works)</i>	<b>Milestone 2: Commencement of Capital Works</b> <ul style="list-style-type: none"> <li>• Capital Works has commenced.</li> <li>• Progress Report (ref <b>Item 4 Schedule 2</b>) due.</li> <li>• The School is to provide BGA</li> </ul>	20% <i>\$100,000.00</i>

	details of the architect, builder, a copy of the builder’s insurance and any changes to the building plans.	
<i>15-Aug-15</i> (Date for Midpoint)	<p><b>Milestone 3:</b> Midpoint of <i>Construction</i> of Preschool</p> <ul style="list-style-type: none"> <li>• Midpoint of Capital Works has been achieved.</li> <li>• Progress Report (ref <b>Item 4 Schedule 2</b>) due.</li> </ul>	40% \$200,000.00
<i>15-Dec-15</i> (Date for Practical Completion)	<p><b>Milestone 4:</b> Practical Completion</p> <ul style="list-style-type: none"> <li>• Practical Completion requirements met.</li> <li>• Progress Report (ref <b>Item 4 Schedule 2</b>) due.</li> <li>• The School is to provide BGA with a copy of the Certificate of Occupancy.</li> </ul>	15% \$75,000.00
Within 3 months of the Date for Practical Completion	<p><b>Milestone 5:</b> Final Acquittal Report (ref <b>Item 4 Schedule 2</b>) (BGA will provide the School with a template to be completed by a qualified accountant).</p>	15% \$75,000.00

**Item 4. Reports**

During the Grant Period, the School must provide the following reports in accordance with **clause 11** and the Project Timeframe in **Item 3 Schedule 2**:

1. **Progress Report** that contains the following information:
  - (a) an outline of the School’s progress with respect to the Capital Works including a statement that the School is satisfied that the Capital Works are progressing satisfactorily;
  - (b) the income and expenditure to date in respect of the Grant;
  - (c) certification by a competent building industry professional, independent of the builder or project manager, that the project is progressing or has been completed in accordance with the Capital Works description in **Item 2 Schedule 2**; and
  - (d) any other information which the BGA requests the School include at least 10 Business Days before the Progress Report is due.
2. **Final Acquittal Report** that contains the following information:

- (a) verification that the School has spent the Grant in accordance with this Deed;
- (b) the income and expenditure in respect of the Grant; and
- (c) any other matters required by the BGA for accountability purposes, which the BGA notify the School must be included in the Final Acquittal Report 10 Business Days before the Final Acquittal Report is due.

**Item 5. Designated Use Period Reports**

During the Designated Use Period, the School must provide the following reports within 21 Business Days of receiving a written request from the Territory in accordance with **clause 11**:

1. **Designated Use Period Report** that contains the following information:
  - (a) certification (in such form as the Territory may request) that the Preschool is being used for the Designated Use;
  - (b) details of any exceptions to the Preschool being used for the Designated Use, including reasons why that has occurred; and
  - (c) such other information as the Territory may reasonably request.



**EXECUTED AS A DEED**

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



Signature of Territory delegate



Signature of witness

PETER ROYAL

Print name

Mark Scanes

Print name

**SIGNED** for and on behalf of )  
**CANBERRA RUDOLF STEINER** )  
**ASSOCIATION INC T/AS ORANA** )  
**STEINER SCHOOL** )  
85 091 899 426 in the presence of:



Signature of director/ authorised officer/  
individual\*

\*DELETE whichever is not applicable (see  
note below)



Signature of ~~director/ secretary~~ / witness\*

\*DELETE whichever is not applicable (see  
note below)



Print name and position



Signature of second authorised officer\*

\*only use if Incorporated Association (see note  
below)



Print name



Print name and position

**Note:**

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

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

**Individual:** Must be signed by the individual School and witnessed.

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

**Drummond, Karen**

---

**From:** NonGovSchools  
**Subject:** FW: Request for variation to 2018 registration process

Thanks & regards

**Kerry Apted**  
**Assistant Manager**  
Complaints & Liaison Unit

**internal ext: 58487**  
phone: + 61 2 6205 8487  
email: [kerry.apted@act.gov.au](mailto:kerry.apted@act.gov.au)

---

**From:** NonGovSchools  
**Sent:** Monday, 7 May 2018 1:27 PM  
**To:** [REDACTED]@oranaschool.com>  
**Subject:** Request for variation to 2018 registration process [SEC=UNCLASSIFIED]

[REDACTED]

I wish to advise you that the Registrar for Non-government Schools has agreed to your request for a variation to your 2018 registration process.

This means that in 2018 the registration panel will:

- investigate the school's financial viability and compliance with BSSS requirements; and
- reference the 2016 registration panel's compliance findings for their report to the Minister on the other conditions of registration.

regards  
*Lynda*

---

**Lynda Tooth | Manager Complaints and Liaison Unit | Email: [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)**

The Liaison Unit manages the Education Directorate's complaint handling services, general enquiries, registration of ACT Non-government Schools and home education, distance education approvals, and CRICOS in all ACT schools.

Phone: +61 2 6205 9301

Governance and Community Liaison Branch | Education | ACT Government

GPO Box 158 CANBERRA ACT 2601

[www.education.act.gov.au](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)

**From:** [REDACTED]  
**To:** [Tooth, Lynda](#)  
**Cc:** [REDACTED]  
**Subject:** [REDACTED] Arrangements at Orana School  
**Date:** Monday, 21 May 2018 3:44:12 PM

---

Lynda

I am writing to as [REDACTED] to advise you that on 11 April 2018, [REDACTED]

[REDACTED]  
Following this, [REDACTED] was given the responsibility for managing Orana's registration application.

Then, following the resumption of school in term 2, the Orana School Board appointed [REDACTED], effective Monday 7 May 2018.

[REDACTED] is now the appropriate contact for the school, and can be contacted via the email address above, or on [REDACTED].

My apologies for not advising you of this sooner, as I now understand that this has implications for contact details for Orana's registration.

Please do not hesitate to contact me if you would like any further information.

Thanks very much.

Kind regards

[REDACTED]

---

[REDACTED]

**From:** [Abbott, Janet](#) on behalf of [Education DLO](#)  
**To:** [Ryan, Denise](#)  
**Cc:** [Rice, Clara](#); [EDU\\_EDBSD](#); [EDUMCR](#)  
**Subject:** REQUEST Min18/838: Safety concerns - Orana Steiner School [SEC=UNCLASSIFIED]  
**Date:** Thursday, 30 August 2018 11:53:00 AM  
**Attachments:** [image001.jpg](#)

Afternoon

Title/Question	LETTER non-government school registration security and child safety Orana Steiner School [REDACTED]
Action	Miniserial response please See <i>Education Act 2004</i> Part 4.2 Section 86 item 6b the school will have appropriate policies, facilities and equipment for— (i) the curriculum to be offered by the school; and (ii) the safety and welfare of its students;
Responsibility	G&CL – Liaison unit – non-government school registration
Response type	Letter
TRIM	Min18/838
Date due	7/8/18 – ED BSD 13/9/18 – MO
Clearance	ED BSD
Comment	Please contact Janet Abbott at <a href="mailto:EDUDLO@act.gov.au">EDUDLO@act.gov.au</a> if you have questions.

Kind regards

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



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

**From:** [REDACTED]  
**Sent:** Wednesday, 29 August 2018 8:43 PM  
**To:** [yvette.berry@act.alp.org.au](mailto:yvette.berry@act.alp.org.au)  
**Subject:** Safety concerns - Orana Steiner School

Dear Ms Berry,

Following the recent abduction of a six year old boy, during school hours, from Orana school in Weston - I would be grateful if you can confirm whether your department has been in contact with the school to review it's security and child safety procedures?

While the media coverage indicates that, in this case, the abduction was made by the boy's mother - the fact it was able to occur at all, is deeply concerning. Why weren't teachers properly supervising such a young child? What is the school doing going forward to ensure this does not happen again?

I look forward to your response [REDACTED] and I would prefer that my name and the content of this email is not disclosed.

Best regards,

[REDACTED]

**From:** [Howson, Natalie](#)  
**To:** [DGEDUoffice](#)  
**Subject:** AMIE ACTION: Safety concerns - Orana Steiner School  
**Date:** Monday, 3 September 2018 9:19:38 PM

---

Hi Amie

Please TRIM to David Matthews and cc to whoever is doing Linda Tooths job [REDACTED]. Please make it explicit I am seeking advice on what action we can take and recommended approach.

Can you make sure a response to the correspondent comes through me .

N

---

**From:** Ceramidas, Joshua  
**Sent:** Monday, 3 September 2018 7:54 PM  
**To:** Howson, Natalie <[Natalie.Howson@act.gov.au](mailto:Natalie.Howson@act.gov.au)>  
**Cc:** Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)>  
**Subject:** FW: Safety concerns - Orana Steiner School

FYI below. This is a legitimate concern to raise, highlighting for your oversight.

---

**From:** BERRY  
**Sent:** Thursday, 30 August 2018 11:08 AM  
**To:** Abbott, Janet <[Janet.Abbott@act.gov.au](mailto:Janet.Abbott@act.gov.au)>  
**Cc:** Ceramidas, Joshua <[Joshua.Ceramidas@act.gov.au](mailto:Joshua.Ceramidas@act.gov.au)>  
**Subject:** FW: Safety concerns - Orana Steiner School

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

Cheers,  
Grace

**From:** [REDACTED]  
**Sent:** Wednesday, 29 August 2018 8:43 PM  
**To:** [yvette.berry@act.alp.org.au](mailto:yvette.berry@act.alp.org.au)  
**Subject:** Safety concerns - Orana Steiner School

Dear Ms Berry,

Following the recent abduction of a six year old boy, during school hours, from Orana school in Weston - I would be grateful if you can confirm whether your department has been in contact with the school to review it's security and child safety procedures?

While the media coverage indicates that, in this case, the abduction was made by the boy's mother - the fact it was able to occur at all, is deeply concerning. Why weren't teachers properly supervising such a young child? What is the school doing going forward to ensure this does not happen again?

I look forward to your response. [REDACTED], and I would prefer that my name and the content of this email is not disclosed.

Best regards,

[REDACTED]

**From:** [Ryan, Denise](#)  
**To:** [EDU, EGMBSG](#)  
**Cc:** [Siripol, Anne](#); [Apted, Kerry](#); [Rice, Clara](#)  
**Subject:** FOR CLEARANCE HPE Content Manager MIN : MIN18/838 : LETTER non-government school registration security and child safety Orana Steiner School [REDACTED] [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 11 September 2018 4:42:54 PM  
**Attachments:** [LETTER non-government school registration security and child safety Orana Steiner School \[REDACTED\].tr5](#)

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For ED BSD clearance following further action as per TRIM notes.

Cleared A/g Manager Complaints and Liaison Unit, noting linked record EDU 18 1571 and need for parallel consideration.

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

Record Number : MIN18/838

Title : LETTER non-government school registration security and child safety Orana Steiner School  
[REDACTED]



**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]

Dear [REDACTED]

Thank you for your email of 29 August 2018 about your concerns for the safety of students at Orana Steiner School. The recent incident reported in the media has been distressing for the community.

All non-government schools are required to meet the criteria of registration and registration renewal under sections 88 and 97 of the *Education Act 2004*. This process is managed by the Education Directorate. The criteria include that the school has appropriate policies, facilities and equipment for the safety and welfare of its students. In the course of the registration process a school's compliance with these criteria are assessed. Orana Steiner School, having met the criteria of registration, is registered until 31 December 2018 and has applied for registration renewal.

While not aware of the circumstances at Orana School relating to this incident, I understand that the Education Directorate is corresponding with the school to confirm that it has appropriate student safety and welfare policies in place.

I encourage you to raise your concerns with the principal of Orana Steiner School, the school board or the school's proprietor, the Canberra Rudolf Steiner School Association.

Thank you for taking the time to write to me on this matter.

Yours sincerely

Yvette Berry MLA  
Minister for Education and Early Childhood Development



Orana Steiner School

[\[redacted\]@oranaschool.com](mailto:[redacted]@oranaschool.com)

Dear [redacted],

### **Request in regard to student safety and welfare policies**

I write to convey the Education Directorate's best wishes for you and your school following the recent student safety incident reported in the media which must have been distressing for your staff as well as the school community.

Further to this, while not aware of the circumstances at Orana School relating to this incident reported in the media, the Directorate is aware that there are some concerns among the community about this incident and whether Orana Steiner School (Orana) has appropriate student safety and welfare arrangements in place.

As you know, all non-government schools are required to meet the criteria of registration and registration renewal under sections 88 and 97 of the *Education Act 2004*. The criteria include that *the school has appropriate policies, facilities and equipment for ... the safety and welfare of its students*. In the course of the registration process a school's compliance with these criteria are assessed. As you would be aware, Orana, having met the criteria of registration, is registered until 31 December 2018 and has applied for registration renewal.

I understand that the [redacted] was advised by the Directorate in May 2018 that the school has been granted a variation to this registration process (such that the registration panel will primarily focus on the school's financial viability and compliance with BSSS requirements and reference the 2016 registration panel's compliance findings on the other conditions of registration). Given the more recent concerns that have been raised, however, could I request that, ahead of and to contribute to that registration renewal process, you confirm and provide evidence to demonstrate that Orana currently has appropriate policies in place for student safety and welfare.

If you would like to discuss this matter further, please contact Denise Ryan, Acting Manager, Complaints and Liaison Unit: [denise.ryan@act.gov.au](mailto:denise.ryan@act.gov.au) 6205 8321.

Yours sincerely

David Matthews  
Executive Director, Business Services Division  
September 2018



[REDACTED]  
[REDACTED]  
Orana Steiner School  
[REDACTED] [@oranaschool.com](mailto:[REDACTED]@oranaschool.com)

Dear [REDACTED]

### **Request in regard to student safety and welfare policies**

I write to convey the Education Directorate's best wishes for you and your school following the recent student safety incident reported in the media which must have been distressing for your staff as well as the school community.

Further to this, while not aware of the circumstances at Orana School relating to this incident reported in the media, the Directorate is aware that there are some concerns among the community about this incident and whether Orana Steiner School (Orana) has appropriate student safety and welfare arrangements in place.

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I understand that the [REDACTED], was advised by the Directorate in May 2018 that the school has been granted a variation to this registration process (such that the registration panel will primarily focus on the school's financial viability and compliance with BSSS requirements and reference the 2016 registration panel's compliance findings on the other conditions of registration). Given the more recent concerns that have been raised, however, could I request that, ahead of and to contribute to that registration renewal process, you confirm and provide evidence to demonstrate that Orana currently has appropriate policies in place for student safety and welfare.

If you would like to discuss this matter further, please contact Denise Ryan, Acting Manager, Complaints and Liaison Unit: [denise.ryan@act.gov.au](mailto:denise.ryan@act.gov.au) 6205 8321.

Yours sincerely



David Matthews  
Executive Director, Business Services Division  
13 September 2018

**From:** [Matthews, David](#)  
**To:** [Ryan, Denise](#)  
**Cc:** [EDU, EGMBSG](#)  
**Subject:** FW: MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]  
**Date:** Thursday, 13 September 2018 1:38:58 PM  
**Attachments:** [FOR CLEARANCE HPE Content Manager MIN MIN18838 LETTER non-government school registration security and child safety Orana Steiner School \[REDACTED\].SECUNCLASSIFIED.msg](#)  
[FOR CONSIDERATION HPE Content Manager EDU EDU181571 Orana Steiner School - Safety Concerns SECUNCLASSIFIED.msg](#)

---

Approved both in Trim and note the highlighted yellow text below.

Regards

David Matthews

---

**From:** Ryan, Denise

**Sent:** Wednesday, 12 September 2018 9:49 AM

**To:** EDU, EDBSD <EDBSD.EDU@act.gov.au>

**Subject:** MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]

Hello Skye,

As discussed, can you please draw the 2 of these to David's attention simultaneously?

MIN18/838 has been revised further to my discussion with him last week, and in consideration of the DG's further request as per EDU18/1571.

EDU 18/1571 has a proposed letter to the school from David, as per his suggested approach. If David is happy with this as drafted, then we need to bring DG into the loop before it gets sent given her request in EDU18/1571 to be provided **advice on what action we can take and recommended approach.**

Regards

Denise

Denise Ryan | A/g Manager Complaints and Liaison Unit

Governance and Community Liaison | Education | ACT Government

62058321

[denise.ryan@act.gov.au](mailto:denise.ryan@act.gov.au)

[Level 6 220 Northbourne Avenue](#) Braddon | GPO Box 158 Canberra ACT 2601

[www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [Ryan, Denise](#)  
**To:** [EDU, EGMBSG](#)  
**Cc:** [Siripol, Anne](#); [Apted, Kerry](#); [Rice, Clara](#)  
**Subject:** FOR CLEARANCE HPE Content Manager MIN : MIN18/838 : LETTER non-government school registration security and child safety Orana Steiner School [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 11 September 2018 4:42:00 PM  
**Attachments:** [LETTER non-government school registration security and child safety Orana Steiner School \[REDACTED\].tr5](#)

---

For ED BSD clearance following further action as per TRIM notes.

Cleared A/g Manager Complaints and Liaison Unit, noting linked record EDU 18 1571 and need for parallel consideration.

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

Record Number : MIN18/838

Title : LETTER non-government school registration security and child safety Orana Steiner School  
[REDACTED]

**From:** [Ryan, Denise](#)  
**To:** [EDU, EGMSG](#)  
**Cc:** [Apted, Kerry](#)  
**Subject:** FOR CONSIDERATION HPE Content Manager EDU : EDU18/1571 : Orana Steiner School - Safety Concerns [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 11 September 2018 4:55:00 PM  
**Attachments:** [Orana Steiner School - Safety Concerns.tr5](#)

---

For ED BSD consideration in parallel to linked MIN 18 838, as per TRIM container notes

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

Record Number : EDU18/1571  
Title : Orana Steiner School - Safety Concerns



**From:** [Ryan, Denise](#)  
**To:** [EDU, EDBSD](#)  
**Subject:** RE: FOR CLEARANCE: MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]  
**Date:** Monday, 24 September 2018 8:52:01 AM

---

Yes Skye

---

**From:** Metherell, Skye **On Behalf Of** EDU, EDBSD  
**Sent:** Monday, 24 September 2018 7:45 AM  
**To:** Ryan, Denise <Denise.Ryan@act.gov.au>  
**Subject:** FW: FOR CLEARANCE: MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]

Good Morning Denise,

I hope you had good weekend.

DG has confirmed she is happy with this approach per her below email. Can you please let me know if you are happy for me to organise David's signature on the letter and send it out today?

Thanks,  
Skye

---

**From:** Howson, Natalie  
**Sent:** Sunday, 23 September 2018 4:21 PM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>; Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)>; Metherell, Skye <[Skye.Metherell@act.gov.au](mailto:Skye.Metherell@act.gov.au)>  
**Subject:** RE: FOR CLEARANCE: MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]

David

I support your decision in relation to this matter .

N

---

**From:** Hughes, RebeccaJ **On Behalf Of** DGEDUoffice  
**Sent:** Thursday, 13 September 2018 3:30 PM  
**To:** Howson, Natalie <[Natalie.Howson@act.gov.au](mailto:Natalie.Howson@act.gov.au)>  
**Subject:** FOR CLEARANCE: MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]

Good afternoon,

Please note David has cleared EDU18/1571 & MIN18/838. Please see below form Denise indicating that DG may need to review these to confirm she is happy with this approach before the signed letter (EDU18/1571) is sent.

Denise:

MIN18/838 has been revised further to my discussion with David last week, and in consideration of the DG's further request as per EDU18/1571.

EDU 18/1571 has a proposed letter to the school from David, as per his suggested approach. If David is happy with this as drafted, then we need to bring DG into the loop before it gets sent given her request in EDU18/1571 to be provided **advice on what action we can take and recommended approach.**

May you please ask DG to review/clear.

**Kind Regards,**

**Skye Metherell** | Executive Support Officer to  
David Matthews, Executive Director  
Business Services Division | **Education Directorate** | ACT Government  
**T: 6213 3313** | E: [skye.metherell@act.gov.au](mailto:skye.metherell@act.gov.au)  
Level 1, 220 Northbourne Ave Braddon | GPO Box 158, Canberra, ACT 2601 |

---

**From:** Matthews, David  
**Sent:** Thursday, 13 September 2018 1:39 PM  
**To:** Ryan, Denise <[Denise.Ryan@act.gov.au](mailto:Denise.Ryan@act.gov.au)>  
**Cc:** EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
**Subject:** FW: MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]

Approved both in Trim and note the highlighted yellow text below.

Regards  
David Matthews

---

**From:** Ryan, Denise  
**Sent:** Wednesday, 12 September 2018 9:49 AM  
**To:** EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
**Subject:** MIN 18/838 and linked EDU18/1571 - please seek EDBSD simultaneous consideration and ensure advice through to DG [SEC=UNCLASSIFIED]

Hello Skye,

As discussed, can you please draw the 2 of these to David's attention simultaneously?

MIN18/838 has been revised further to my discussion with him last week, and in consideration of the DG's further request as per EDU18/1571.

EDU 18/1571 has a proposed letter to the school from David, as per his suggested approach. If David is happy with this as drafted, then we need to bring DG into the loop before it gets sent

given her request in EDU18/1571 to be provided advice on what action we can take and recommended approach.

Regards

Denise

Denise Ryan | A/g Manager Complaints and Liaison Unit  
Governance and Community Liaison | Education | ACT Government  
62058321  
[denise.ryan@act.gov.au](mailto:denise.ryan@act.gov.au)  
[Level 6 220 Northbourne Avenue](#) Braddon | GPO Box 158 Canberra ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [Metherell, Skye](#) on behalf of [Matthews, David](#)  
**To:** [REDACTED] [@oranaschool.com](#)  
**Subject:** Request in Regard to Student Safety & Welfare Policies  
**Date:** Tuesday, 25 September 2018 9:30:00 AM  
**Attachments:** [Correspondence to Orana\\_Final.pdf](#)

---

Good morning [REDACTED]

Please see attached letter for your reference.

If you have any queries please do not hesitate to ask.

Kind Regards,

**David Matthews**

Executive Director, Business Services

Education Directorate

T: 02 6207 0384 | E: [david.matthews@act.gov.au](mailto:david.matthews@act.gov.au)



[REDACTED]  
[REDACTED]  
Orana Steiner School  
[REDACTED] [@oranaschool.com](mailto:[REDACTED]@oranaschool.com)

Dear [REDACTED]

### **Request in regard to student safety and welfare policies**

I write to convey the Education Directorate's best wishes for you and your school following the recent student safety incident reported in the media which must have been distressing for your staff as well as the school community.

Further to this, while not aware of the circumstances at Orana School relating to this incident reported in the media, the Directorate is aware that there are some concerns among the community about this incident and whether Orana Steiner School (Orana) has appropriate student safety and welfare arrangements in place.

As you know, all non-government schools are required to meet the criteria of registration and registration renewal under sections 88 and 97 of the *Education Act 2004*. The criteria include that *the school has appropriate policies, facilities and equipment for ... the safety and welfare of its students*. In the course of the registration process a school's compliance with these criteria are assessed. As you would be aware, Orana, having met the criteria of registration, is registered until 31 December 2018 and has applied for registration renewal.

I understand that the [REDACTED], was advised by the Directorate in May 2018 that the school has been granted a variation to this registration process (such that the registration panel will primarily focus on the school's financial viability and compliance with BSSS requirements and reference the 2016 registration panel's compliance findings on the other conditions of registration). Given the more recent concerns that have been raised, however, could I request that, ahead of and to contribute to that registration renewal process, you confirm and provide evidence to demonstrate that Orana currently has appropriate policies in place for student safety and welfare.

If you would like to discuss this matter further, please contact Denise Ryan, Acting Manager, Complaints and Liaison Unit: [denise.ryan@act.gov.au](mailto:denise.ryan@act.gov.au) 6205 8321.

Yours sincerely,



David Matthews  
Executive Director, Business Services Division  
24 September 2018

**From:** [Apted, Kerry](#)  
**To:** [NonGovSchools](#)  
**Subject:** FW: Request in Regard to Student Safety & Welfare Policies [SEC=UNCLASSIFIED]  
**Date:** Friday, 5 October 2018 9:32:03 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Student Safety and Welfare Policy Framework.pdf](#)  
[Critical Incidents \(Emergency Response\) Policy.pdf](#)  
[Child Protection Policy Framework.pdf](#)

---

Thanks & regards

Kerry Apted

**Assistant Manager**

Complaints & Liaison Unit

**internal ext: 58487**

phone: + 61 2 6205 8487

email: [kerry.apted@act.gov.au](mailto:kerry.apted@act.gov.au)

---

**From:** Ryan, Denise  
**Sent:** Wednesday, 26 September 2018 8:59 AM  
**To:** Apted, Kerry <[Kerry.Apted@act.gov.au](mailto:Kerry.Apted@act.gov.au)>  
**Subject:** FW: Request in Regard to Student Safety & Welfare Policies [SEC=UNCLASSIFIED]

Kerry,

This is the outcome of the letter David sent to Orana (EDU 18 1571). For consideration in relation to conditions of registration and registration renewal process.

Denise

---

**From:** Matthews, David  
**Sent:** Tuesday, 25 September 2018 5:03 PM  
**To:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; Ryan, Denise <[Denise.Ryan@act.gov.au](mailto:Denise.Ryan@act.gov.au)>  
**Cc:** EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
**Subject:** FW: Request in Regard to Student Safety & Welfare Policies

Danielle / Denise, for review.

Skye, can you acknowledge receipt.

David Matthews

---

**From:** [REDACTED] [REDACTED] <[\[REDACTED\]@oranaschool.com](mailto:[REDACTED]@oranaschool.com)>  
**Sent:** Tuesday, 25 September 2018 4:10 PM

**To:** Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)>

**Subject:** RE: Request in Regard to Student Safety & Welfare Policies

Good afternoon Mr Matthews,

As requested, please find attached our current policies in relation to student safety and welfare.

Please be in touch if you require any further information from our [REDACTED].

Kind regards,

[REDACTED]  
**a.** Unwin Place WESTON ACT 2611 | PO Box 3567 WESTON ACT 2611

**t.** +61 2 6288 4283 | **f.** +61 2 6287 1100

**e.** [REDACTED] [@oranaschool.com](mailto:[REDACTED]@oranaschool.com) | **w.** [www.oranaschool.com](http://www.oranaschool.com)



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lasts a lifetime**



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Orana Steiner School is a sustainable, eco-friendly school. Please consider the environment before printing this email and/or its attachments.

---

**From:** Metherell, Skye [<mailto:Skye.Metherell@act.gov.au>] **On Behalf Of** Matthews, David

**Sent:** Tuesday, 25 September 2018 9:30 AM

**To:** [REDACTED] [@oranaschool.com](mailto:[REDACTED]@oranaschool.com)>

**Subject:** Request in Regard to Student Safety & Welfare Policies

Good morning [REDACTED]

Please see attached letter for your reference.

If you have any queries please do not hesitate to ask.

Kind Regards,



**David Matthews**

Executive Director, Business Services

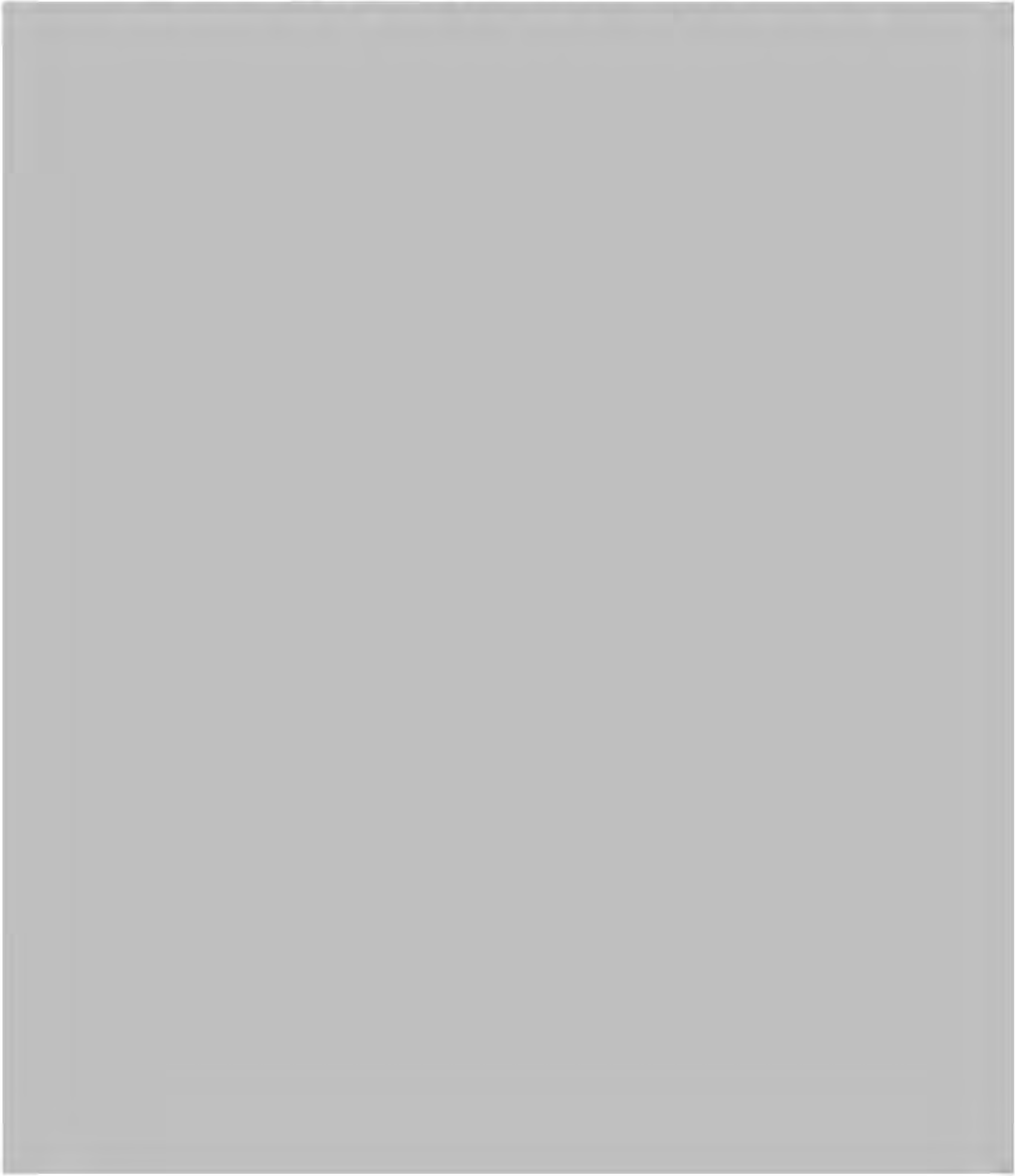
Education Directorate

T: 02 6207 0384 | E: [david.matthews@act.gov.au](mailto:david.matthews@act.gov.au)

-----  
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# Student Safety and Welfare Policy Framework

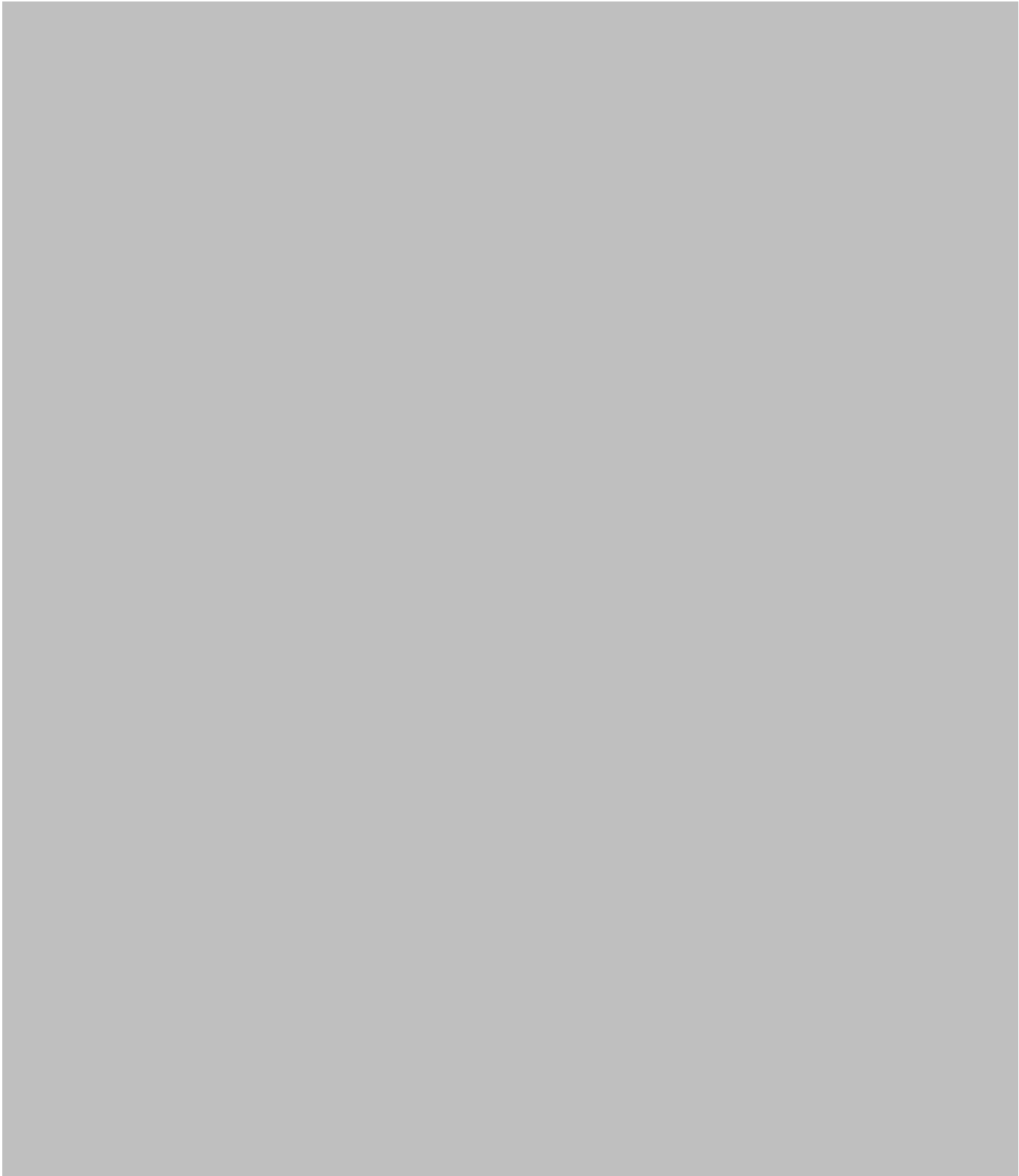




Ratified by the Board: 23 July 2018



# Critical Incidents (Emergency Response) Policy

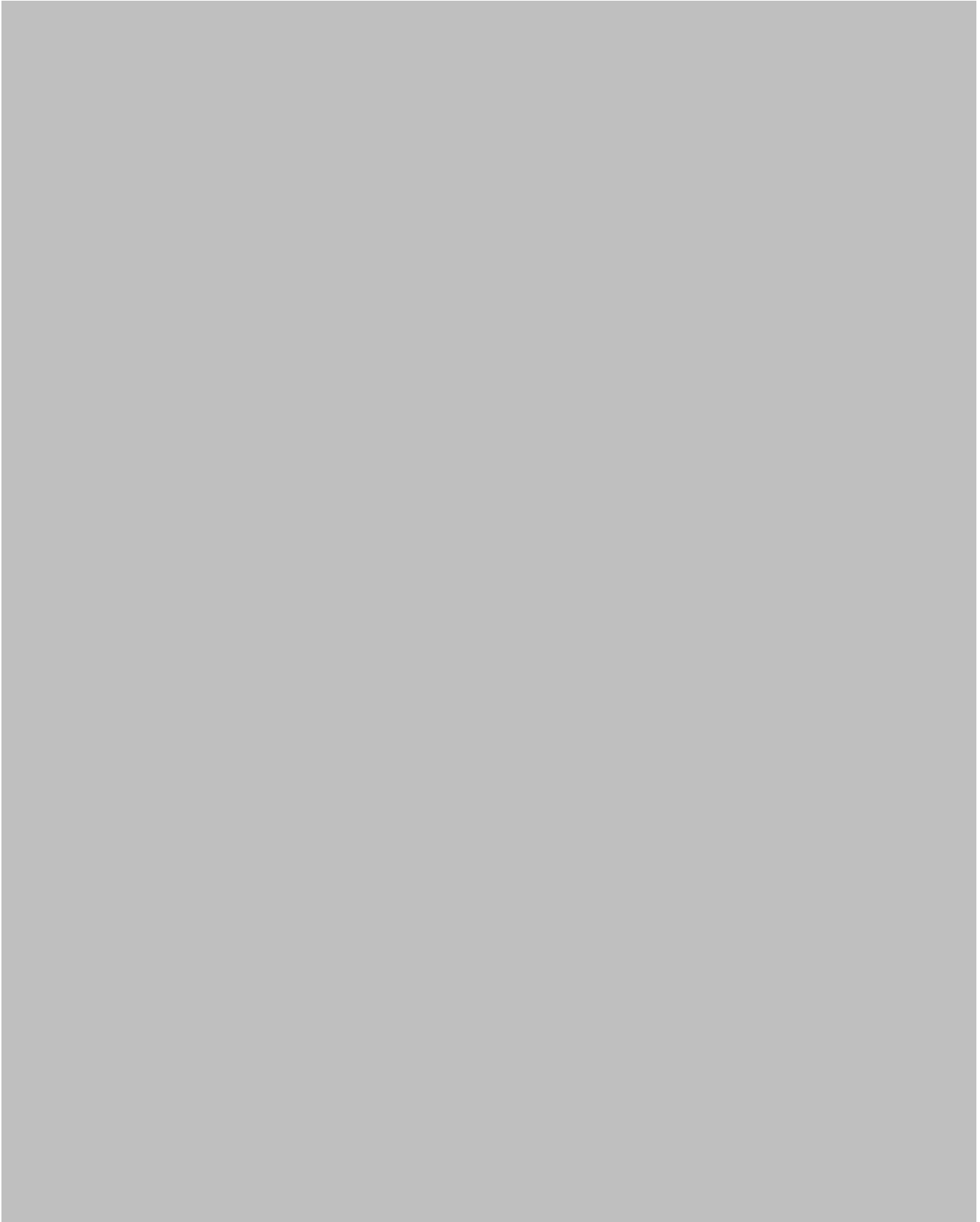


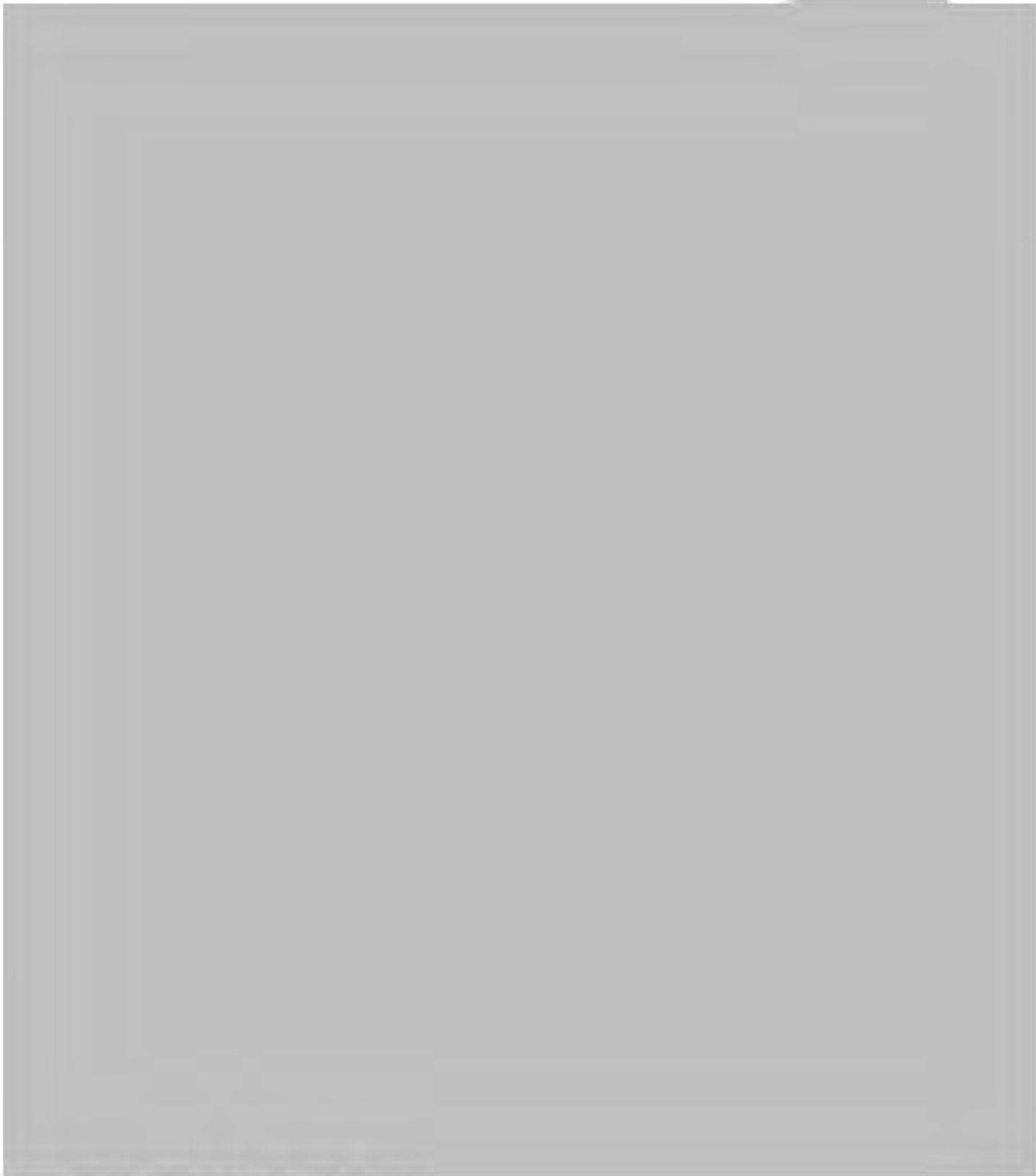


Ratified by the Board: 23 July 2018



# Child Protection Policy Framework





Ratified by the Board: 23 July 2018

**From:** [BERRY](#)  
**To:** [REDACTED]  
**Subject:** Letter from Minister Yvette Berry  
**Date:** Tuesday, 9 October 2018 11:04:10 AM  
**Attachments:** [Response from Minister Berry to \[REDACTED\].pdf](#)

---

Dear [REDACTED]

Please see the attached letter from Minister Yvette Berry.

Kind regards,

**Abby Gallagher** | Office Manager  
Phone: +61 2 6205 0233 | Email:  
[abigail.gallagher@act.gov.au](mailto: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  
Phone: +61 2 6205 0233 | Email: [berry@act.gov.au](mailto:berry@act.gov.au)  
[Facebook](#) | [Twitter](#) | [www.yvetteberry.com.au](http://www.yvetteberry.com.au)

**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*.**





**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]

Dear [REDACTED]

Thank you for your email of 29 August 2018 about your concerns for the safety of students at Orana Steiner School. The recent incident reported in the media has been distressing for the community.

All non-government schools are required to meet the criteria of registration and registration renewal under sections 88 and 97 of the *Education Act 2004*. This process is managed by the Education Directorate. The criteria include that the school has appropriate policies, facilities and equipment for the safety and welfare of its students. In the course of the registration process a school's compliance with these criteria are assessed. Orana Steiner School, having met the criteria of registration, is registered until 31 December 2018 and has applied for registration renewal.

While not aware of the circumstances at Orana School relating to this incident, I understand that the Education Directorate is corresponding with the school to confirm that it has appropriate student safety and welfare policies in place.

I encourage you to raise your concerns with the principal of Orana Steiner School, the school board or the school's proprietor, the Canberra Rudolf Steiner School Association.

Thank you for taking the time to write to me on this matter.

Yours sincerely

[REDACTED]

Yvette Berry MLA  
Minister for Education and Early Childhood Development

- 8 OCT 2018



## ORANA STEINER SCHOOL – APPLICATION FOR REGISTRATION RENEWAL – KINDERGARTEN – YEAR 12

**Registration process and panel report**

Orana Steiner School (OSS or the school) is registered as an ACT non-government school for kindergarten to year 12 for the period 1 January 2017 to 31 December 2018, a period of two years. Non-government schools are generally registered for five year periods (the maximum period under the Education Act 2004) because they are able to provide evidence of compliance with all the conditions of registration. Due to concerns with financial viability and Board of Senior Secondary Studies (BSSS) hours, OSS was registered for 2017 and 2018 only, on the condition that the BSSS concerns were rectified prior to the commencement of classes in 2017. The school was found to be compliant with all other registration conditions and the BSSS confirmed the school's compliance in early 2017.

In February 2018, under section (Sn) 96 of the *Education Act 2004* (the Act) the proprietor of OSS applied for registration renewal for three years, and requested a variation to the registration process so that the 2018 registration panel only consider current evidence against the two non-compliant criteria (financial viability and BSSS hours). This request was approved by the Registrar of non-Government schools and the 2018 panel consequently only examined the school's compliance with criterion (b i – BSSS requirements) and (g – financial viability).

Under Sn 97 of the Act a panel was appointed to report to the Minister on the application. The following table summarises the panel's findings against the registration criteria. A comprehensive report follows.

**Table - Summary of the panel's findings – Orana Steiner School 2018**

<b>Criteria – Sn 97 Education Act 2004</b>	<b>Finding</b>
(a) The proprietor of the school is a corporation.	Found compliant in 2016
(b) (i) The school has appropriate policies, facilities and equipment for the curriculum offered by the school.	See page 2 for details of continued non-compliance
(ii) The school has appropriate policies, facilities and equipment for the safety and the welfare of its students.	Found compliant in 2016
(c) The curriculum (including the framework of the curriculum and the principles on which the curriculum is based) meets the curriculum requirements for students attending government schools.	Found compliant in 2016
(d) The nature and content of the education offered at the school are appropriate for the educational levels for which the school is provisionally registered.	Found compliant in 2016
(e) The teaching staff are qualified to teach at the educational levels at which they are employed to teach.	Found compliant in 2016
(f) The school has satisfactory processes to monitor quality educational outcomes.	Found compliant in 2016
(g) The school is financially viable.	Found compliant in 2018

**Criterion A – Proprietor****Requirement**

The proprietor of the school is and remains a corporation.

**Registration panel comment**

The 2016 panel considered the information/documentation provided by the school and was of the opinion that the school met the requirement.

**Criterion B – Policies, facilities and equipment****Requirement**

The school must have appropriate policies, facilities and equipment for the curriculum offered by the school and the safety and the welfare of its students.

**Registration panel comment****(i) – curriculum**

The 2016 registration panel found that OSS was fully compliant with this criterion with the exception of BSSS requirements for year 11 and 12 study as they related to the provision of 55 hours per BSSS curriculum for Tertiary, Accredited and Modified units.

This non-compliance was one of the reasons the school's registration was previously renewed for 2017 and 2018 only rather than the maximum five year period.

The 2018 registration panel found that whilst meeting all other BSSS requirements, OSS still did not meet the BSSS requirements for minimum hours for all units and courses.

The 2018 panel recommends that the school be required to demonstrate full compliance with the BSSS' mandatory subject hour requirements before the commencement of classes in 2019.

**(ii) – safety and welfare**

The 2016 registration panel found that OSS was fully compliant with this criterion. During 2018 the school provided to the Education Directorate copies of its safety and welfare policies. The Directorate confirmed that these are consistent with policies held by other ACT independent schools.

**Criterion C – Curriculum framework****Requirement**

The school's curriculum (including the framework of the curriculum and the principles on which the curriculum is based) must meet the curriculum requirements for students attending government schools.

The curriculum requirements for students attending government schools are:

- implementation of the Australian curriculum according to the ACT's implementation plan;
- compliance, where relevant, with BSSS requirements for year 11 and 12 courses;
- kindergarten to year 10 students to engage in regular moderate to vigorous physical activity; and
- Year 3-8 students to study of one of the ACT's eight priority languages (French, German, Italian, Spanish, Indonesian, Japanese, Chinese/Mandarin and Korean) or other language approved by the Registrar of Non-government schools.

**Registration panel comment**

The 2016 registration panel found that OSS was fully compliant with this criterion.

**Criterion D – Nature and content of the education****Requirement**

The nature and content of the education offered at the school is to be appropriate for the educational levels for which the school is registered.

**Registration panel comment**

The 2018 panel considered the 2016 registration panel report. The 2018 panel is of the view that the school meets the requirement.

**Criterion E – Teaching staff qualifications****Requirement**

Teaching staff are to be qualified to teach at the educational levels at which they are employed to teach.

**Registration panel comment**

The 2018 panel considered the 2016 registration panel report. The 2018 panel is of the view that the school meets the requirement.

**Criterion F – Monitoring educational outcomes****Requirement**

The school must have satisfactory processes to monitor quality educational outcomes.

**Registration panel comment**

The 2018 panel considered the 2016 registration panel report. The 2018 panel is of the view that the school meets the requirement.

**Criterion G – Financial viability****Requirement**

The school must be financially viable.

The following documentation was provided for the consideration of the panel member responsible for the financial viability assessment of the school:

- G-1 Copies of all insurances
- G-2 Copies of current business plans including projected enrolments, staffing, income and expenditure over the maximum future registration period (5 years)
- G-3 Copies of audited financial statements for the last two financial years.
- G-4 A brief history of the entity including the year when operations commenced, and any major changes in corporate structure, acquisitions, disposals, etc.
- G-5 The corporate family tree, outlining the immediate and ultimate parent, subsidiaries, and other related entities.
- G-6 Projected sales revenue and pre-tax profit figures for the current financial year ending 30 June 2017.
- G-7 Details of business strategies relating to corporate activity, business restructuring, trading activity, new opportunities, and risk management.
- G-8 For each type of funding facility in place (eg overdraft, bank guarantees, loans and surety bonds) provide:
  - Name of provider
  - Type of facility (e.g. overdraft, bank guarantees, etc)
  - Limit of facility
  - Amount utilised
  - Maturity date
  - Covenants (financial, operating, reporting, etc)

This should be provided in the form of a letter from entity's financier.
- G-9 A statement providing details of the entities compliance with its banking covenants in the past 3 years. For any breaches provide details including date, reason for the breach and remedial action taken.
- G-10 A statement providing details of any court proceedings, actual or threatened, involving the business or entities associated with it in the past 3 years.

- G-11 A statement providing details of any compensation claims, actual or threatened, involving the business or entities associated with it in the past 3 years.
- G-12 A statement outlining the business implications of the current economic climate, and what the entity is doing to leverage upside risk opportunities and mitigate downside risk.
- G-13 A statement outlining the number of students:
  - enrolled at the school during 2016, 2017 and 2018; and
  - who left the school during 2016, 2017 and 2018.

**Registration panel comment:**

The report on the school's financial viability is provided separately to the Minister.

**Signatures**

I certify that this report is a true and accurate account of the findings of the registration panel convened under the *Education Act 2004* Sn 97 to report on an application from Orana Steiner School for registration renewal.

Simon Vaughan  
Chair

\_\_\_\_\_  
Date 11/12/18

I acknowledge receipt of the report on Orana Steiner School's application for, and the school's compliance with the criteria of, registration renewal.

\_\_\_\_\_  
Orana Steiner School

\_\_\_\_\_  
Date 11.12.18

**School registration details:**

Proprietor: Canberra Rudolf Steiner School Association Incorporated  
 Location: Unwin Place, Weston  
 Educational levels: Kindergarten - year 12  
 Current registration: 1 January 2017 - 31 December 2018

**Panel members:**

Name	Position
Simon Vaughan	Principal, Melrose High School
Himel Ghosh	Certification Officer, ACT Board of Senior Secondary Studies
Chenglong Yin	Senior Finance Officer, Strategic Finance, ACT Education Directorate

**From:** [Abbott, Janet](#)  
**To:** [EDU, EDBSD](#)  
**Cc:** [Tooth, Lynda](#); [Krajina, Danielle](#); [EDUMCR](#)  
**Subject:** FW: Registration - Orana Steiner School signed MIn18/999 [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 18 December 2018 5:58:58 PM  
**Attachments:** [image001.jpg](#)  
[MIn18999 FINAL BRIEF Registration non-government schools - Orana Steiner....pdf](#)  
[Notice of Registration - Orana Steiner School \(option 1\).pdf](#)

---

Afternoon

Minister Berry has signed the brief and registration decision for **Orana Steiner School**. TRIM has been updated.

Many thanks

Janet Abbott

Education Directorate Liaison Officer

Office of Yvette Berry MLA, Minister for Education and Early Childhood Development

Phone + 61 2 6205 0291 | Email: [EduDLO@act.gov.au](mailto:EduDLO@act.gov.au)

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



## MINISTERIAL BRIEF

UNCLASSIFIED

<b>To:</b>	Minister for Education and Early Childhood Development	TRIM No: Min18/999
<b>From:</b>	Group Manager, Business Services Division	
<b>Date:</b>	13 December 2018	
<b>Subject:</b>	Regulation of non-government schools 2018 - registration renewal - Orana Steiner School	
<b>Critical Date:</b>	18 December 2018	
<b>Critical Reason:</b>	To allow the school's registration to be renewed prior to its current registration expiring on 31 December 2018	

**Purpose**

To provide you with the report from the registration panel on Orana Steiner School's (OSS) (Attachment A) application for registration renewal and seek your agreement on the registration decision (Attachment C).

**Recommendations**

That you:

1. Note the information in this brief and at Attachments A, D, and E.

**Noted / Please Discuss**

2. Note that OSS's registration was renewed in 2016 for two years only (2017 – 18) due to concerns with the school's financial viability and non-compliance with Board of Senior Secondary Studies mandatory hours.

**Noted / Please Discuss**

3. Note that in 2018 OSS requested three years registration renewal rather than the maximum five years; and for the panel to only consider the criteria relating to financial viability and curriculum requirements (Attachments B1 and B2).

**Noted / Please Discuss**

4. Direct the Registrar of non-government schools (the Registrar) to renew OSS's registration for three years contingent on the Directorate receiving evidence that the school is implementing the BSSS endorsed and restructured timetable before the commencement of classes in 2019. (Attachment C – Notice of Decision Option 1).

**Agreed / Not Agreed / Please Discuss**

UNCLASSIFIED

UNCLASSIFIED

Yvette Berry MLA

18/12/18

Minister's Office Feedback

**Background**

1. As Minister, you are responsible under the *Education Act 2004* (the Act) for determining applications for registration renewal and registration at additional educational levels of ACT non-government schools.
2. When determining an application for registration renewal and/or registration at additional education levels the Act requires you to:
  - a. appoint a panel to report to you on the application; and
  - b. consider the panel's report on whether the school meets the criteria for registration renewal and/or registration at additional education levels.
3. Page 1 of Attachment A states the criteria for registration as it applies to applications for registration renewal.
4. The Director responsible for the registration of non-government schools is delegated to appoint the panels that report to you on applications for registration. This Director is also the Registrar.
5. Due to OSS's request for a partial registration process against the previous panel's concerns a smaller than usual panel was convened to report to you. This panel was chaired by a principal of an ACT public school and included:
  - an officer from the Directorate's Strategic Finance Branch who facilitates an assessment of the school's financial viability; and
  - an officer of Office of the Board of Senior Secondary Studies (BSSS).
6. If after considering a panel's report you are satisfied that a school meets the relevant criteria for registration the Act requires you to direct the Registrar to renew the school's registration for a stated period of no longer than five years.

**Issues**

5. The registration panel appointed to report to you on the OSS's application found the school to be:
  - a. compliant with the financial viability criterion;
  - b. compliant with BSSS mandatory subject hour requirements if the school's proposed restructured timetable is implemented in 2019. (Attachment E).

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## UNCLASSIFIED

6. The Directorate recommends registration for 1 January 2019 – 31 December 2021 (which is the registration period requested by the school) contingent on the Directorate receiving evidence that the school is implementing the BSSS endorsed and restructured timetable before the commencement of classes in 2019.

**Financial Implications**

7. Nil.

**Consultation**Internal

8. The Directorates Strategic Finance Branch were required to review and provide advice in relation to financial viability through *Corporate Scorecard*. (Attachment D1)
9. Simon Vaughan, principal of Melba-Copland School was engaged as the panel chair.

Cross Directorate

10. BSSS assessed the school's compliance with BSSS mandatory hour requirements.

External

11. The OSS principal has undertaken to implement the timetable assessed by BSSS in 2019, and to provide evidence to the Directorate in January 2019.
12. *Corporate Scorecard*, an accredited and independent financial viability assessor, was engaged by the Directorate to assess the financial viability of all independent schools seeking registration renewal in 2018. *Corporate Scorecard's* advanced financial assessment (Attachment D2) found OSS to be financially viable.

**Benefits/Sensitivities**

13. The recommended registration renewal of OSS will permit the school to operate from 2019 to 2021.
14. Making the registration renewal contingent on the provision of evidence of full compliance with the BSSS mandatory study hours is consistent with the approach taken by the Directorate when [REDACTED] were found to be non-compliant with BSSS mandatory hours of study.

**Media Implications**

15. The Directorate does not expect this matter to generate media interest.

David Matthews  
Group Manager, Business Services Division

UNCLASSIFIED

UNCLASSIFIED

Action Officer: Lynda Tooth	Phone:	6205 8321
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**Attachments**

Attachments	Title
A	Registration panel report
B 1 & 2	Application for registration renewal and request for 3 years of renewal
C	Registration decision
D 1	Financial viability assessment
D 2	Corporate Scorecard Report
E	BSSS assessment

UNCLASSIFIED



## Application for registration renewal of a registered ACT independent schools- 2018

Name of the school			
What is the name of the school?	Orana Steiner School		
Current registration			
What is the period of the school's current registration?	1 January 2017 – 31 December 2018		
Location of the school			
What is the school's address (including the address of any additional campuses)?	Unwin Place WESTON ACT		
Educational (year) levels			
For what educational (year) level/s is the school currently registered?	Kindergarten – year 12		
Principal of the school			
Who is the school's principal?	[REDACTED]		
	02 6288 4283		[REDACTED]@oranaschool.com
I confirm that I will submit the required supporting documentation as outlined on pages 2 – 10 of this application by Day 1 Term 2 2018. I have also read the <i>Notification of collection of personal information</i> statement on page 11.			
Signature of the principal	[REDACTED]	Date of signature	21/02/18
Proprietor of the school			
Under section 98 of the <i>Education Act 2004</i> the proprietor of a registered non-government school may apply for renewal of that registration.			
Who is the school's proprietor?	Canberra Rudolph Steiner School		
Who is the proprietor's chairperson?	[REDACTED]		
	[REDACTED]		[REDACTED]
I confirm that this application is made by the school's proprietor; and that I have read the <i>Notification of collection of personal information</i> statement on page 11.			
Signature of the proprietor's chairperson	[REDACTED]	Date of signature	21-2-18

Please submit this application form to [NonGovSchools@act.gov.au](mailto:NonGovSchools@act.gov.au) by 1 March 2018

For further information or to discuss alternative submission dates or alternative supporting documentation please contact the Manager, Liaison Unit Education Directorate (02) 6205 9301 or [NonGovSchools@act.gov.au](mailto:NonGovSchools@act.gov.au)

Date application received by Manager, Liaison Unit Education Directorate: \_\_\_\_\_

**From:** [REDACTED]  
**To:** [NonGovSchools](#)  
**Cc:** [REDACTED]  
**Subject:** Application for Registration Renewal Orana Steiner School  
**Date:** Thursday, 22 February 2018 10:58:02 AM  
**Attachments:** [image001.png](#)  
[Registration Renewal Orana Steiner School.pdf](#)

---

Dear Ms Summerrell

Please find Orana Steiner School's application to renew Canberra Rudolf Steiner School as an ACT independent school.

We received provisional registration in 2016 for a period of two years. The school registration renewal report at that point highlighted two criteria of concern:

- (b) (i) b –
- (g)

The finding of the 2016 panel indicated that:

- Compliance with BSSS requirements need to be strengthened prior to commencement of classes in 2017
- Financial viability found for a two year period.

All other criteria needed for registration were found to be compliant.

I am writing to ask if you would consider the registration panel this year only examining our evidence against the two area we needed to address rather than all seven, and if found to be compliant granting us registration for a further three years. This would provide confidence to the School Board and enable us to further improve our practices.

Best regards

[REDACTED]

[REDACTED] | **Orana Steiner School**  
**a.** Unwin Place WESTON ACT 2611 | PO Box 3567 WESTON ACT 2611  
**t.** +61 2 6288 4283 | **f.** +61 2 6287 1100  
**e** [REDACTED]@oranaschool.com | **w.** [www.oranaschool.com](http://www.oranaschool.com)

Orana Identity + Tagline Email



This email and any attachments are confidential and may contain legally privileged or copyright material. Neither confidentiality nor privilege is intended to be waived or lost by mistaken delivery to you. Any unauthorised use of this email, its content and any attachment is expressly prohibited.

If you have received this message in error, please notify us and remove it from your system.

It is your responsibility to check any attachments for viruses and defects before opening or sending them on. For more information about our practices in relation to personal information, including in relation to use, disclosure and access see our privacy policy at <http://www.oranaschool.com/about-us/policies.html>

Orana Steiner School is a sustainable, eco-friendly school. Please consider the environment before printing this email and/or its attachments.

## Notice of Registration Decision

**School:** Orana Steiner School  
**Proprietor:** Canberra Rudolf Steiner School Association Incorporated  
**Current registration:** Registered year levels: Kindergarten – year 12  
 Registration period: 1 January 2017 – 31 December 2018

To the Registrar of Non-Government Schools<sup>1</sup>

### **Registration renewal – *Education Act 2004*, section (sn) 97**

I direct you to register Orana Steiner School:

- for kindergarten to year 12
- at Unwin Place, Weston
- for the requested period of three years – that is until 31 December 2021

contingent on the Directorate receiving evidence that the school is implementing the BSSS endorsed and restructured timetable before the commencement of classes in 2019 because I am satisfied that Orana Steiner School has addressed previously identified financial viability concerns, and will address non-compliance with the mandatory hours required by the Board of Senior Secondary Students for years 11 and 12, for 2019 forward.

***Yvette Berry MLA ..... / /***  
***Minister for Education and Early Childhood Development***

---

<sup>1</sup> **Option 1:** This Notice of Registration Decision option is to be used when the Minister is satisfied that the school's registration should be renewed for the period of registration requested by the school (in this case three years).

## Notice of Registration Decision

**School:** Orana Steiner School  
**Proprietor:** Canberra Rudolf Steiner School Association Incorporated  
**Current registration:** Registered year levels: Kindergarten – year 12  
 Registration period: 1 January 2017 – 31 December 2018

To the Registrar of Non-Government Schools<sup>2</sup>

### Registration renewal – *Education Act 2004*, section (sn) 97

I direct you to renew the registration of Orana Steiner School

- for kindergarten to year 12
- at Unwin Place, Weston
- for the period 1 January 2018 - 31 December 20\_\_

for the following reason/s:

**Yvette Berry MLA ..... / /**  
**Minister for Education and Early Childhood Development**

---

<sup>2</sup> **Option 2:** This Notice of Registration Decision option is to be used when the Minister is not satisfied that the school's registration should be renewed for the requested period of registration, (in this case three years) but is satisfied that the school should be registered for another period of time. Reasons for a chosen period of registration should be noted in the decision. NB: Registration renewal is for a maximum of five years.

## Notice of Registration Decision

**School:** Orana Steiner School  
**Proprietor:** Canberra Rudolf Steiner School Association Incorporated  
**Current registration:** Registered year levels: Kindergarten – year 12  
 Registration period: 1 January 2017 – 31 December 2018

To the Registrar of Non-Government Schools<sup>3</sup>

### Registration renewal – *Education Act 2004*, section (sn) 97

I direct you to refuse to renew the registration of Orana Steiner School for the following reason/s:

***Yvette Berry MLA ..... / /***  
***Minister for Education and Early Childhood Development***

---

<sup>3</sup> **Option3:** This Notice of Registration Decision option is to be used when the Minister is not satisfied that the school’s registration should be renewed. Reasons for this decision should be noted above.



File ref: 2017/06866

# NON-GOVERNMENT SCHOOL REGISTRATION – FINANCIAL VIABILITY ASSESSMENT

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NAME OF SCHOOL: Orana Steiner School

## Recommendation

- Based on the advanced financial assessment of Orana Steiner School (the School) completed by Corporate Scorecard, it is recommended that Orana Steiner School be registered for a period of up to five years.

## Corporate scorecard Opinion (refer to file for full report)

- In Corporate Scorecard's professional opinion, based on the analysis of the financial statements and related information, the assessed entity has been assigned an indicative rating of 'B+', with a credit quality classification of sub-prime and a moderate level of risk. The School's credit quality has improved significantly since the last assessment.
- Based on the financial assessment conducted on this school, it is expected that for the school to continue operating in the short to medium term. This is subject to the continued receipt of Commonwealth and ACT Government grant funding.

Registration Panel Member (if applicable)  
Senior Manager Strategic Finance  
Chief Finance Officer



*[Handwritten signature]*  
17/9/2018  
19/9/2018  
21/9/2018



AUSTRALIAN CAPITAL TERRITORY  
BOARD OF SENIOR SECONDARY STUDIES



**ACT Education Directorate Non-Government Schools Re-registration**

Based on the school's declaration and information available to the BSSS, Orana Steiner School

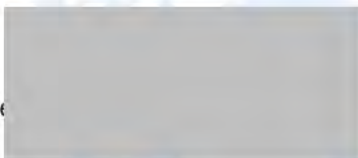
- adopts and makes provision for BSSS registered and accredited courses for year 11 and 12 students in accordance with BSSS guidelines;
- is compliant with the BSSS storage and release of assessment data requirements;
- is compliant with BSSS assessment, moderation, and appeals processes;
- is compliant with BSSS requirements for the preparation of students for the ACT Scaling test;
- supports and participates in the ACT Scaling test process;
- is aware of and responsive to changes or updates to BSSS policies and procedures.

The school timetable and calendar as submitted do not meet the BSSS requirements for minimum hours for all units and courses. However, the school has proposed modifications of the timetable for 2018 Semester 2, and a restructured timetable for 2019 onwards. These changes, if implemented, will make the timetable compliant with BSSS requirements for mandatory hours of study.

Including the proposed timetable changes, Orana Steiner School may be considered to be compliant with all BSSS requirements.

Panel Member: Himel Ghosh, Office of the Board of Senior Secondary Studies

Signature



Date: 12 November 2018

## Notice of Registration Decision

**School:** Orana Steiner School  
**Proprietor:** Canberra Rudolf Steiner School Association Incorporated  
**Current registration:** Registered year levels: Kindergarten – year 12  
 Registration period: 1 January 2017 – 31 December 2018

To the Registrar of Non-Government Schools<sup>1</sup>

### Registration renewal – *Education Act 2004, section (sn) 97*

I direct you to register Orana Steiner School:

- for kindergarten to year 12
- at Unwin Place, Weston
- for the requested period of three years – that is until 31 December 2021

contingent on the Directorate receiving evidence that the school is implementing the BSSS endorsed and restructured timetable before the commencement of classes in 2019 because I am satisfied that Orana Steiner School has addressed previously identified financial viability concerns, and will address non-compliance with the mandatory hours required by the Board of Senior Secondary Students for years 11 and 12, for 2019 forward.

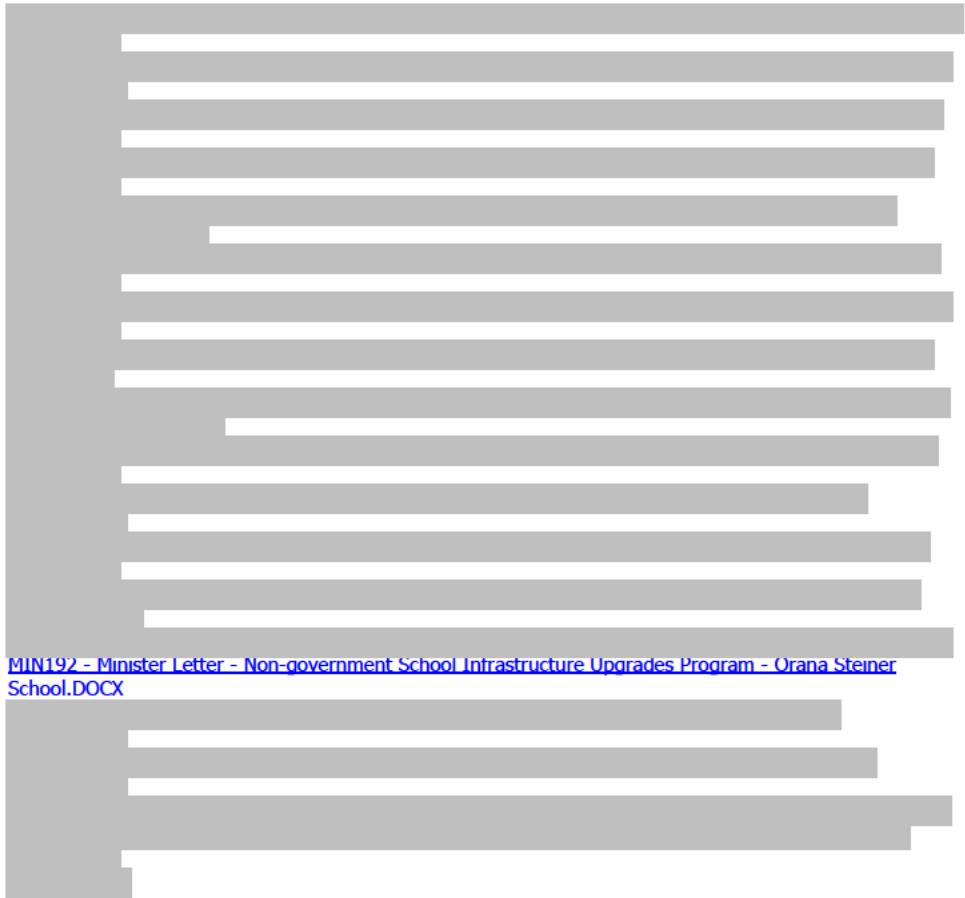
  
*Yvette Berry* MLA  
 Minister for Education and ~~Early Childhood Development~~

18/12/18



<sup>1</sup> **Option 1:** This Notice of Registration Decision option is to be used when the Minister is satisfied that the school's registration should be renewed for the period of registration requested by the school (in this case three years).

**From:** [Stewart, Ell](#) on behalf of [EDUMCR](#)  
**To:** [Ceramidas, Joshua](#)  
**Cc:** [Penglis, Katy](#); [DGEDUoffice](#); [CFO EDU Office](#); [Podnar, Peter](#); [Scanes, Mark](#); [EDU, EDBSD](#)  
**Subject:** RE: FOR MIN SIGNATURE: MIN19/2 - Non Government Schools Infrastructure Upgrade Program  
**Date:** Friday, 11 January 2019 3:20:47 PM  
**Attachments:**



**Importance:** High

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Hi Josh  
Revised letters attached.  
Thank you  
Ell  
MCR

---

**From:** Ceramidas, Joshua  
**Sent:** Friday, 11 January 2019 2:36 PM  
**To:** EDUMCR <EDUMCR@act.gov.au>  
**Cc:** Penglis, Katy <Katy.Penglis@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>; CFO EDU Office <CFOEDUOffice@act.gov.au>; Podnar, Peter <Peter.Podnar@act.gov.au>; Scanes, Mark <Mark.Scanes@act.gov.au>  
**Subject:** RE: FOR MIN SIGNATURE: MIN19/2 - Non Government Schools Infrastructure Upgrade Program

Hi there  
Thanks for sending this through.  
I've reworked the letter slightly as attached based on feedback at this side. Can you please update the bundle of letters to reflect this and send them back over this afternoon for Minister to sign before [redacted].  
Thanks.

Joshua Ceramidas  
Senior Advisor | Office of Minister Yvette Berry MLA  
Phone: (02) 620 53465 | Mobile: 0422 668 243

---

**From:** Stewart, Ell **On Behalf Of** EDUMCR

**Sent:** Friday, 11 January 2019 1:56 PM

**To:** Ceramidas, Joshua <Joshua.Ceramidas@act.gov.au>

**Cc:** EDUMCR <EDUMCR@act.gov.au>; Penglis, Katy <Katy.Penglis@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>; CFO EDU Office <CFOEDUOffice@act.gov.au>; Podnar, Peter <Peter.Podnar@act.gov.au>; Scanes, Mark <Mark.Scanes@act.gov.au>

**Subject:** FOR MIN SIGNATURE: MIN19/2 - Non Government Schools Infrastructure Upgrade Program

**Importance:** High

UNOFFICIAL

Hi Josh

As discussed, please find attached the following documents for this MIN:

- MIN brief, signed by A/g DDG
- Media release
- Letters for MIN signature (19)

Thank you

Ell

**Ell Stewart**

Cabinet & Assembly Liaison

Ministerial and Commonwealth Relations | Education | ACT Government

02 6205 4678 | [ell.stewart@act.gov.au](mailto:ell.stewart@act.gov.au)

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

[www.education.act.gov.au](http://www.education.act.gov.au)





**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]  
Orana Steiner School  
PO Box 3567  
WESTON ACT 2611

Dear [REDACTED]

**Better Schools For Our Kids - Non-Government School Infrastructure Upgrades Program**

I am writing to you about the Non-Government School Infrastructure Upgrades Program.

During the 2016 ACT Election I committed as ACT Labor education spokesperson to allocating infrastructure grant funding of \$15 million over four years for non-government schools. I am happy to advise that access to this funding will begin from 2019. The ACT Block Grant Authority (ACTBGA) has been engaged by the ACT Government to administer the Program, and the ACTBGA will assess applications to the program against a number of criteria.

While the Program aims to enable non-government schools to improve their infrastructure for the benefit of all students, in keeping with the government's election commitment the eligibility criteria specifically adopt an equitable, needs-based approach. It includes criteria related to the capacity of a school to self-fund projects and consideration of projects focused on accessibility to disadvantaged groups, including students from low socio-economic status backgrounds, students with a disability, Aboriginal and Torres Strait Islander students, and students with a low-level of English language proficiency.

Complete and accurate applications for this program close at 12 pm on Wednesday 13 February 2019 for the 2019 round of grants. The ACTBGA will review, assess and prioritise applications received and by May 2019 will submit proposed grant approvals to the ACT Government. I intend to consider proposed grant approvals by June 2019 so that these grants can be paid to successful applicants in July 2019.

Further details on the program can be accessed through the ACTBGA's website at <https://actbga.org.au/programs/bsk-grants/>.

---

**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](mailto:berry@act.gov.au)



@YvetteSBerry



YvetteSBerry



yvettesberry

Should you have any questions about the Program please contact Ms Lynette Daly, Chief Finance Officer, Education Directorate on 6205 2685 or via email to [lynette.daly@act.gov.au](mailto:lynette.daly@act.gov.au).

Yours sincerely

Yvette Berry MLA  
Minister for Education and Early Childhood Development

**From:** [Matthews, David](#)  
**To:** [Ceramidas, Joshua](#)  
**Cc:** [Howson, Natalie](#); [Brighton, Meg](#); [Education DLO](#); [EDU, EDBSD](#); [EDUMCR](#); [Krajina, Danielle](#)  
**Subject:** Complaints data Jan-March 2018 and 2019  
**Date:** Tuesday, 2 April 2019 5:54:35 PM  
**Attachments:** [1 Jan to 31 March 2018 Complaints.xlsx](#)  
[1 Jan to 31 March 2019 Complaints.xlsx](#)

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Josh,

Arising from MINSET, please find a breakdown of complaints received through the Complaints Line for Jan-March for 2018 and 2019.

Each is sorted by Network and School. You will notice that a few do not have a school or network attached as the complaint was of a generic nature.

In short, the total number of complaints that have been logged in our CRM is from:

- 1 Jan to 31 March 2018 – 78 complaints
- 1 Jan to 31 March 2019 – 71 complaints

Please let me know if you would like any further information at this stage.

Regards

David Matthews

Executive Group Manager, Business Services

Education Directorate, ACT Government

Office: 6207 0384 | Email: [david.matthews@act.gov.au](mailto:david.matthews@act.gov.au)



Detailed Overview(For Pivot Tbl Export)

School	Network	Reference No	Date Created	Surname	ETD Incident Category	Comment Category	Manager's Subject	Subject	Workflow	Identifier	Status
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Detailed Overview(For Pivot Tbl Export)

School	Network	Reference No	Date Created	Surname	ETD Incident Category	Comment Category	Subject	Workflow	Identifier	Status

Orana Steiner School	No Value	190326-001789	March 2019		Complaint - TEACHING AND LEARNING	Complaint	activ ties & fees	In Progress with Liason Un t		Resolved
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**From:** [Families and Students](#)  
**To:** [NonGovSchools](#)  
**Subject:** FW: Orana Steiner School contraventions  
**Date:** Thursday, 9 May 2019 10:03:11 AM  
**Attachments:** [Letter to the Minister re Orana Steiner School.pdf](#)

---

## UNCLASSIFIED For-Official-Use-Only

Lynda

Please see below. As [REDACTED] has cc'd EDU I have not responded to [REDACTED] or entered into CRM. Undoubtedly you will receive this via MO.

For your attention.

Thanks and regards

Kerry Apted | Assistant Director

Phone:+61 2 6205 8487 | [kerry.apted@act.gov.au](mailto:kerry.apted@act.gov.au)

Families and Students, Complaints and Feedback Unit | Education | ACT Government

220 Northbourne Avenue Braddon ACT | GPO Box 158 Canberra ACT 2601

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

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**From:** [REDACTED]  
**Sent:** Thursday, 9 May 2019 8:47 AM  
**To:** BERRY <BERRY@act.gov.au>  
**Cc:** Teacher Quality Institute <TQI@act.gov.au>; Families and Students <familiesandstudents@act.gov.au>  
**Subject:** Orana Steiner School contraventions

Dear Ms Berry

Please find letter attached regarding [REDACTED].

Thank you.

Regards

[REDACTED]

--

[REDACTED]

**From:** [King, Ashley](#) on behalf of [Education DLO](#)  
**To:** [Tooth, Lynda](#); [Krajina, Danielle](#)  
**Cc:** [EDUMCR](#); [Nott, Georgia](#); [Ellis, Anne](#); [Cuzner, Jane](#); [Families and Students](#)  
**Subject:** MIN19/596 Orana Steiner School Teacher Registration Concerns  
**Date:** Thursday, 9 May 2019 10:50:00 AM  
**Attachments:** [Letter to the Minister re Orana Steiner School.pdf](#)

UNCLASSIFIED For-Official-Use-Only

Hi Lynda

Title/Question	Orana Steiner School Teacher Registration Concerns [REDACTED]
Action	Ministerial Response please
Responsibility	G&CL in liaison with the TQI
Response type	Letter
TRIM	MIN19/596
Date due	MO 23/5/19
Clearance	EGM BSD
Comment	Please work with Anne Ellis in TQI on response. Please contact Ashley King at <a href="mailto:EDUDLO@act.gov.au">EDUDLO@act.gov.au</a> if you have questions.

Ashley  
X50291

**From:** BERRY  
**Sent:** Thursday, 9 May 2019 10:24 AM  
**To:** Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>  
**Cc:** Ceramidas, Joshua <[Joshua.Ceramidas@act.gov.au](mailto:Joshua.Ceramidas@act.gov.au)>  
**Subject:** FW: Orana Steiner School contraventions

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

Cheers,  
Abby/Grace

**From:** [REDACTED]  
**Sent:** Thursday, 9 May 2019 8:47 AM  
**To:** BERRY <[BERRY@act.gov.au](mailto:BERRY@act.gov.au)>  
**Cc:** Teacher Quality Institute <[TQI@act.gov.au](mailto:TQI@act.gov.au)>; Families and Students <[familiesandstudents@act.gov.au](mailto:familiesandstudents@act.gov.au)>  
**Subject:** Orana Steiner School contraventions

Dear Ms Berry

Please find letter attached regarding [REDACTED]

Thank you.

Regards

[REDACTED]

--

[REDACTED]

Yvette Berry MLA  
 Minister for Education and Early Childhood Development  
 GPO Box 1020  
 Canberra ACT 2601

By email to: Berry@act.gov.au (copy to: tqi@act.gov.au; familiesandstudents@act.gov.au)

8 May 2019

Dear Ms Berry

**Re: Orana Steiner School contraventions of:**  
**1. Conditions of School Registration; and**  
**2. Teacher Registration.**

I write to inform you of extremely disappointing actions repeatedly taken by [REDACTED] school (Orana Steiner School) during term one 2019, where absent registered teachers were replaced with teacher aids rather than registered teachers. These repeated actions put the school children at severe risk.

These actions (and the subsequent views expressed by the [REDACTED] - see Attachment A) contravene, and show an irresponsible disregard to, the conditions of school registration and teacher registration in the Australian Capital Territory.

In regard to **school registration**, the actions (and views expressed) contravene the conditions of registration outlined in section 91 of the *Education Act (ACT) 2004* with the most obvious contraventions being of the following two provisions:

*(b) the school has appropriate policies, facilities and equipment for –*  
*(i) the curriculum offered by the school; and*  
*(ii) the safety and welfare of its students;*

*(e) the teaching staff are qualified to teach at the educational levels at which they are employed to teach*

Further, in regard to **teacher registration**, the actions contravene the *ACT Teachers Quality Institute Act 2010*. Specifically, the actions contravene section 29:

*29 Offence — employing, engaging or allowing a person who is not an approved teacher to teach in school*

*(1) A person commits an offence if—*

*(a) the person employs, engages or allows another person to teach in a school; and*  
*(b) the other person is not an approved teacher.*

*Maximum penalty 50 penalty units.*

*(2) An offence against this section is a strict liability offence.*

I request that you take immediate appropriate actions regarding this matter, including that you direct or recommend:

1. the Education Directorate (or relevant body) to investigate Orana Steiner School to find whether it actually meets all of the conditions of School Registration under the *Education Act (ACT) 2004*; and
2. the Teacher Quality Institute to investigate and prosecute teacher contraventions of the *ACT Teacher Quality Institute Act 2010* at the Orana Steiner School during term one 2019.

Here we have a situation where the school has repeatedly made the deliberate decision to not supply a registered teacher – and then when questioned about it has tried to defend that decision of not supplying our children with such basic care owed to them. It is disgraceful and grossly negligent.

Please note that the quality of teaching by the regular class teacher and assistant is excellent. The decision to require the teacher's assistant to relieve when the class teacher was absent was made by the

[redacted] and [redacted] I am concerned about [redacted] continued role in [redacted] after failing to display the requisite professional judgement required to ensure the school is operating within its legal framework to ensure the safety and welfare of the students.

Please see my correspondence with Orana about this at **Attachment A**. While my correspondence is in regard to [redacted] specifically, the full extent of this – and other – failure/s of the operation of the School may potentially be much broader. [redacted]

This is a very expensive school and I am really concerned about how it has been allowed to get to this state under ACT Government legislation to the point where even the leadership team do not even understand – or choose to disregard – basic teaching principles like duty of care. I think it may be worth undertaking a full audit/review.

If you have any questions or require additional information please contact me (by mail to the above address, by email to [redacted], or by telephone on [redacted])

Thank you.

Regards  
[redacted]

**ATTACHMENT A      Copies of correspondence with the school regarding this matter**

## Caveat Brief

**To:** Minister for Education and Early Childhood Development  
**From:** Executive Group Manager, Business Services  
**Subject:** Orana Steiner School Teacher Registration Concerns [REDACTED]  
**Date:** 10 May 2019

That you note the processes the Directorate will take in investigating the contravention of registration conditions alleged by [REDACTED] of Orana Steiner School.

**Noted / Please discuss**

**Yvette Berry MLA..../..../....**

- Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
- An OSS [REDACTED] has alleged the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.
- Under Sn 95 of the *Education Act 2004* contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
- The Registrar of Non-government Schools has asked an authorised person to enter the school under Sn 122 of the Act to investigate the school's employment practices and inspect the school's employment records and staff qualifications.
- The principal has been notified of our intention to investigate the allegation.
- The Registrar has also asked the principal to provide a written statement outlining the facts of the matter and how the school will ensure future compliance with the conditions of registration if, in preparing for the inspection, the school identifies it has contravened a condition of registration.
- Once the facts of the matter are ascertained the Directorate will recommend to you any further action that should be taken.
- The ACT Teacher Quality Institute has advised the Directorate that it will separately investigate the allegations under its legislation.

David Matthews  
Executive Group Manager, Business Services  
20/05/2019



## Caveat Brief

**To:** Minister for Education and Early Childhood Development  
**From:** Executive Group Manager, Business Services  
**Subject:** Orana Steiner School Teacher Registration Concerns [REDACTED]  
**Date:** 10 May 2019

That you note the processes the Directorate will take in investigating the contravention of registration conditions alleged by [REDACTED] of Orana Steiner School.

**Noted / Please discuss**

Yvette Berry MLA <sup>31 05 19</sup> /.../.../...

- Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
- An OSS [REDACTED] has alleged the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.
- Under Sn 95 of the *Education Act 2004* contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
- The Registrar of Non-government Schools has asked an authorised person to enter the school under Sn 122 of the Act to investigate the school's employment practices and inspect the school's employment records and staff qualifications.
- The principal has been notified of our intention to investigate the allegation.
- The Registrar has also asked the principal to provide a written statement outlining the facts of the matter and how the school will ensure future compliance with the conditions of registration if, in preparing for the inspection, the school identifies it has contravened a condition of registration.
- Once the facts of the matter are ascertained the Directorate will recommend to you any further action that should be taken.
- The ACT Teacher Quality Institute has advised the Directorate that it will separately investigate the allegations under its legislation.

David Matthews  
 Executive Group Manager, Business Services  
 20/05/2019



**From:** [Myers, Christina](#) on behalf of [EDU, EDBSD](#)  
**To:** [Tooth, Lynda](#)  
**Subject:** FW: FOR CLEARANCE: EDU19/803 : Registrar of Non-government Schools ltr to Orana Steiner School re non-compliance with condition of registration  
**Date:** Wednesday, 5 June 2019 12:01:00 PM

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

From: Young, Kylie On Behalf Of EDU, EDBSD  
Sent: Friday, 31 May 2019 11:35 AM  
To: Nott, Georgia <[Georgia.Nott@act.gov.au](mailto:Georgia.Nott@act.gov.au)>  
Subject: FW: FOR CLEARANCE: EDU19/803 : Registrar of Non-government Schools ltr to Orana Steiner School re non-compliance with condition of registration

Hi Georgia

This has been cleared (sorry for the confusion)

Kylie

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

From: Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)> On Behalf Of EDU, EDBSD  
Sent: Friday, 31 May 2019 10:55 AM  
To: EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
Subject: RE: FOR CLEARANCE: EDU19/803 : Registrar of Non-government Schools ltr to Orana Steiner School re non-compliance with condition of registration

UNCLASSIFIED

Approved in trim.

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

From: Matthews, David  
Sent: Wednesday, 29 May 2019 1:41 PM  
To: EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
Subject: FW: FOR CLEARANCE: EDU19/803 : Registrar of Non-government Schools ltr to Orana Steiner School re non-compliance with condition of registration

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Does this need clearance?

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

From: Krajina, Danielle  
Sent: Friday, 17 May 2019 3:01 PM  
To: Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)>; EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
Subject: FOR CLEARANCE: EDU19/803 : Registrar of Non-government Schools ltr to Orana Steiner School re non-compliance with condition of registration

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Hi David

I cant remember if I sent this to you. It has not gone out as yet. Can you have a look and make sure you are happy with our position.

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

Record Number:EDU19/803

Title:Registrar of Non-government Schools ltr to Orana Steiner School re non-compliance with condition of registration

**From:** [Nott, Georgia](#)  
**To:** [principalsoffice@oranaschool.com](mailto:principalsoffice@oranaschool.com)  
**Subject:** Authorised person investigation into Orana Steiner School's compliance with a condition of registration  
**Date:** Wednesday, 5 June 2019 12:53:00 PM  
**Attachments:** [Registrar NGS ltr to OSS May 2019.pdf](#)

---

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Good Afternoon,

Please find attached correspondence for the attention of 

I understand you are in contact with Ms Lynda Tooth of this office, however please do not hesitate to contact my office should you have any enquiries.

Kind Regards –

**Danielle Krajina**

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](mailto:Danielle.krajina@act.gov.au) | Level 6 220 Northbourne Avenue Braddon | GPO  
Box 158 Canberra ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au) | Facebook | Twitter | Instagram | LinkedIn | Google+

[REDACTED]  
[REDACTED]  
Orana Steiner School  
Unwin Place WESTON ACT 2611  
[REDACTED]@oranaschool.com

**Authorised person investigation into Orana Steiner School's compliance with a condition of registration**

Dear [REDACTED]

As you would be aware ACT non-government schools are required to operate in accordance with the conditions of registration detailed in the *Education Act 2004* (the Act). Section 91(e) of the Act requires non-government schools to ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach.

It has come to my attention that Orana Steiner School may have contravened a condition of registration by allowing a teachers-aid (who did not hold teaching qualifications or Teacher Quality Institute registration) to conduct a class at your school on at least one occasion in 2019.

Under section 122 of the Act, an authorised person may enter a non-government school at any time when it is being used as a school under the Act to find out whether the school is complying with the Act. Although under section 124 of the Act you are not required to consent to this entry, the authorised person will ask for your consent, and will ask you to sign an acknowledgment of the consent.

I have asked Ms Lynda Tooth Director, Non-government Education within the Education Directorate, and a person authorised under section 119 of the Act, to enter Orana Steiner School and investigate the school's employment records and staff qualifications relating to all classes taught during 2019.

Ms Tooth will contact you next week to advise you of the time of her visit to your school. I ask you to provide her with every assistance in her investigation.

If in preparing for this visit you identify that the school has contravened this condition of registration or if there are other facts that you think need to be brought to our attention I encourage you to provide to Ms Tooth a written statement. This statement may outline the facts of this matter and may include how you will ensure future compliance with the condition of registration.

[REDACTED]  
31 May 2019  
Danielle Krajina  
Registrar Non-government Schools  
Executive Branch Manager, Governance and Community Liaison

**Education Directorate**

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**To:** Executive Branch Manager Governance and  
Community Liaison

EDU19/803

**Date:** 27/06/2019

**From:** Director, Non-government Education

**Subject:** Authorised person entry to Orana Steiner School

**Recommendations**

That you:

1. Note the information contained in this brief;

**Noted**

2. Instruct me to prepare a:

- a. briefing for the Minister,
- b. letter from the Minister to the complainant, and
- c. letter from you to the school confirming my findings.

**Agreed**

Danielle Krajina..... /...../.....

Executive Feedback

**Background**

1. Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
2. An OSS [redacted] has alleged (MIN19/596) the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.

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3. Under section 91 (e) of the *Education Act 2004*, non-government schools must, as a condition of registration, ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach.
4. Under Sn 95 of the *Education Act 2004* contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
5. Minister Berry was briefed on this matter on 31 May 2019 (MIN19/596).
6. On 5 June 2019 you wrote to the principal of OSS advising that you had asked me, as an authorised person, to enter the school under Sn 122 of the Act and investigate the school's employment practices and inspect the school's employment records and staff qualifications.

### Issues

7. On 27 June 2019 I visited the school and gained the principal's consent to the entry. (Attachment A)
8. I received the following advice from the principal:
  - a. On 10 April 2019 the principal was advised by the Deputy principal that there were insufficient teachers to cover the [REDACTED] class teacher's absence.
  - b. [REDACTED] class is a mixed [REDACTED] class usually taught by TQI registered teacher [REDACTED] assisted by non-TQI registered assistant [REDACTED]. The [REDACTED] staff members meet the staff: student ratios required under the National law for children below kindergarten age.
  - c. Mixed age classes are consistent with Steiner philosophy.
  - d. The school endeavours to engage relief teachers who are fully conversant with Steiner philosophy; but Steiner trained relief teachers are few and far between in the ACT.
  - e. The principal decided that splitting [REDACTED] class amongst other teaching groups was not in the best interest of the children, and agreed that the Deputy Principal cover the class with the non-TQI registered assistant [REDACTED] and a second non-TQI registered assistant [REDACTED].
  - f. The principal subsequently received a complaint from [REDACTED] class regarding the staffing decision, informed the OSS board of the complaint, and responded to the complainant.
  - g. In investigating the complaint, the principal identified that similar staffing had been arranged for [REDACTED] class to cover the teacher's absences on two other occasions (3 and 4 April 2019).

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9. During my visit I received from the principal:
- a. Newly development arrangements for Teacher Relief for Early Childhood (Attachment B). The copy provided indicates that these arrangements were created in May 2019.
  - b. A letter (Attachment C) from the principal assuring me that the school will implement the new arrangements.
  - c. A copy of the primary school staffing absences and relief arrangements for term 1 2019 and term 2 2019 (until 27/6/2019) (Attachment D).
10. In examining the list of staff absences, I identified that non-compliant staffing had not only occurred on 3, 4, and 10 April 2019, but had also occurred on:
1. [REDACTED] on 1 April 2019
  2. [REDACTED] on 3 April 2019
  3. [REDACTED] on 8 April 2019
  4. [REDACTED] on 11 April 2019.
11. The principal indicated [REDACTED] was unaware that the practice of using unqualified teachers aids to run classes when teachers were away, was more significant than initially advised earlier in my meeting. I have no reason to doubt the sincerity of [REDACTED] assertions.

**Finding**

12. Non-compliance with condition E was confirmed on seven occasions in term 1 2019.
13. The principal took remedial action to ensure this does not happen again.
14. If the new arrangements are consistently implemented these new arrangements will the school is unlikely to be non-compliant with the Condition E again (See item 3 above).
15. Of the 32 teaching staff absences in term 2 2019 (Term 2 started 29 April 2019) all teaching staff were replaced by teaching staff. This suggest that the new relief staffing arrangements had been implemented.
16. No further action is deemed necessary.

**Financial Implications**

17. Nil

**Consultation**Internal

18. Nil

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Cross Directorate

19. Cherie Kelly, Senior Project Director Professional Standards and Registration ACT Teacher Quality Institute was asked to contribute to this brief. She advised that TQI does not have investigative powers under the Teacher Quality Act. (Attachment E).

External

20. In addition to the Authorised person meeting with the principal that was held on 27 June 2019. I have offered to attend a senior staff conversation at the school about legislative compliance during the up-coming school holidays. The principal was most eager to accept this offer.

**Work Health and Safety**

21. No safety concerns with the sections of the OSS site that were visited on 27 June 2019 were identified. I was appropriately asked to sign the school's visitor's book on arrival and departure.

**Benefits/Sensitivities**

22. Investigation of the complaint together with the proposed meeting with senior staff at OSS will strengthen this school's understanding of the importance of legislative compliance.
23. Further action as allowed under section 95 of the *Education Act 2004* (i.e. to recommend to the Minister that the school's registration be cancelled due to a condition of registration being contravened) is not deemed necessary.

**Communications, media and engagement implications**

24. Nil

Signatory Name: Lynda Tooth

Phone: 58321

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Principal's consent
Attachment B	arrangements for Teacher Relief for Early Childhood
Attachment C	Letter of assurance
Attachment D	List of staff absences
Attachment E	Response from TQI

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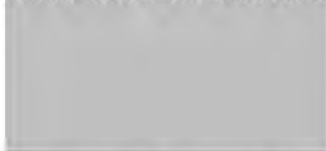


## Authorised Person entry to Orana Steiner School

*Sn 125 Education Act 2004*: An authorised person (non-government) who enters a non-government school under section 122 or section 123 (of the *Education Act 2004*) may inspect the school or anything in it (including the register of enrolments and attendances) (section 125 *Education Act 2004*).

- 1: I confirm that as Principal of Orana Steiner School:
- on 5 June 2019 I was advised in writing by the Registrar of Non-government Schools about the reasons for Authorised Person, Lynda Tooth to enter Orana Steiner School to make enquiries about the school's compliance with section 91 of the *Education Act 2004*; and
  - I accepted a request from the Authorised Person to visit the school on 27 June 2019 and confirm that on this date Orana Steiner School was being used as a school under the *Education Act 2004*.

Signature:



Date: 27.6.19

- 2: I confirm that at this visit I was advised by the Authorised Person:
- that an Authorised Person may enter a non-government school at any time when it is being used as a school under the *Education Act 2004*;
  - that the Authorised Person's entry to Orana Steiner School was to investigate the school's employment records and staff qualifications relating to all classes taught during 2019; and
  - that the principal of a non-government school is not required to give consent to the entry of an Authorised Person.

Signature:



Date: 27.6.19

- 3: I confirm that I was shown the identify card of the Authorised Person.

Signature:



Date: 27.6.19

- 4: As principal of Orana Steiner School, I consent to the entry of the Authorised Person to exercise powers under section 125 of the *Education Act 2004* on 27 June 2019.

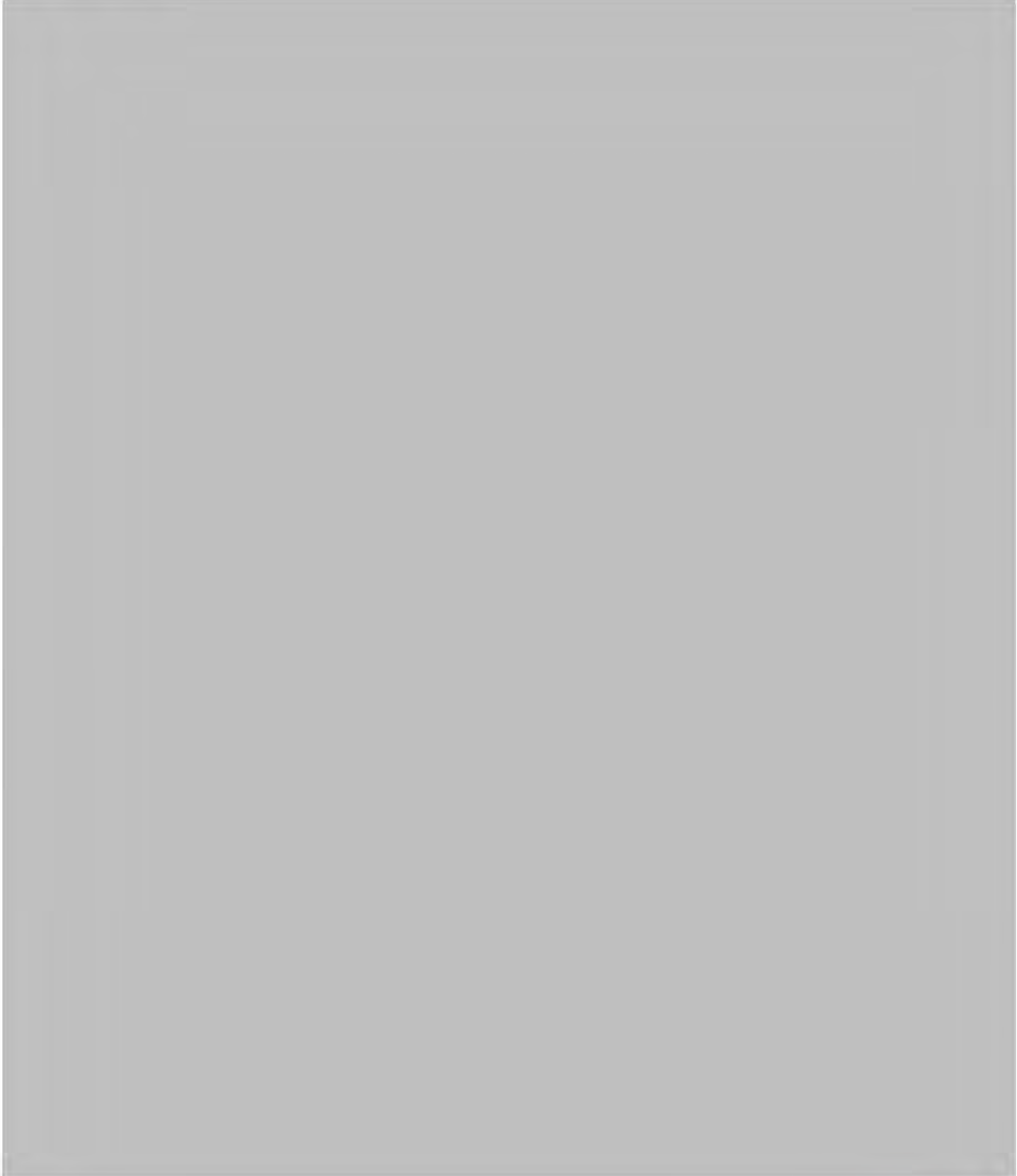
Signature:



Date: 27.6.19



## Arrangements for Teacher Relief for Early Childhood





Link to:  
<https://www.acecqa.gov.au/nqf/educator-to-child-ratios>

Document Created: May 2019



Ms Lynda Tooth  
Director Non-government Education  
Governance and Community Liaison Branch  
Education Directorate  
GPO Box 158 Canberra ACT 2601

Dear Ms Tooth

This is to provide you with assurance that Orana Steiner School will operate in accordance with the conditions of registration as stated in the Education Act 2004 (the Act), with particular reference to Section 91 (e) of the Act requiring non-government schools to ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach.

The school will ensure compliance by making sure:

1. Managers in charge of relief are informed of the conditions of registration, and
2. Staff follow the new the procedure for *Arrangements for Teacher Relief for Early Childhood* (Attachment A).

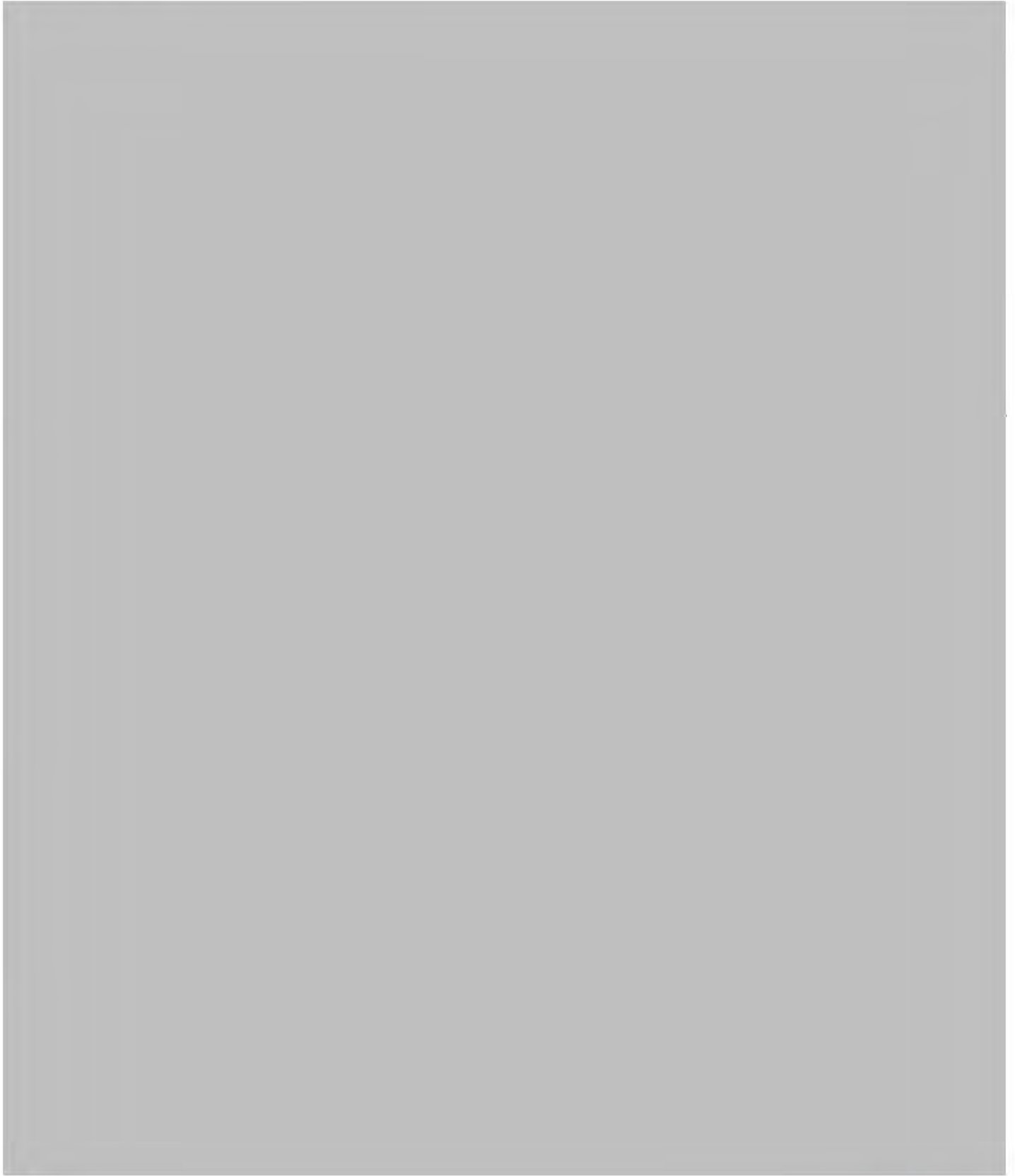
Yours sincerely



24 June 2019



## Arrangements for Teacher Relief for Early Childhood





Link to:  
<https://www.acecqa.gov.au/nqf/educator-to-child-ratios>

Document Created: May 2019











**Education Directorate**

UNCLASSIFIED

**To:** Executive Branch Manager Governance and  
Community Liaison

EDIU19/803

**Date:** 27/06/2019**From:** Director, Non-government Education**Subject:** Authorised person entry to Orana Steiner School**Recommendations**

That you:

1. Note the information contained in this brief;

**Noted / Please Discuss**

2. Instruct me to prepare:
  - a. a briefing for the Minister,
  - b. a letter from the Minister to the complainant
  - c. a letter from you to the school confirming my findings.

**Agreed / Dis-agreed / Please Discuss**

...../...../.....

Executive Feedback

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## Background

1. Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
2. An OSS [REDACTED] has alleged (MIN19/596) the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.
3. Under section 91 (e) of the *Education Act 2004*, non-government schools must, as a condition of registration, ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach.
4. Under Sn 95 of the *Education Act 2004* contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
5. Minister Berry was briefed on this matter (MIN19/596) on 31 May 2019.
6. On 5 June 2019 you wrote to the principal of OSS advising that you had asked me, as an authorised person, to enter the school under Sn 122 of the Act and investigate the school's employment practices and inspect the school's employment records and staff qualifications.

## Issues

7. On 27 June 2019 I visited the school and gained the principal's consent to the entry. (Attachment A)
8. I received the following advice from the principal:
  - a. On 10 April 2019 the principal was advised by the Deputy principal that there were insufficient teachers to cover the [REDACTED] class teacher's absence.
  - b. [REDACTED] class is a mixed [REDACTED] class usually taught by TQI registered teacher [REDACTED] assisted by non-TQI registered assistant [REDACTED]. The [REDACTED] staff members meet the staff: student ratios required under the National law for children below kindergarten age.
  - c. Mixed age classes are consistent with Steiner philosophy.
  - d. The school endeavours to engage relief teachers who are fully conversant with Steiner philosophy; but Steiner trained relief teachers are few and far between in the ACT.
  - e. The principal decided that splitting [REDACTED] class amongst other teaching groups was not in the best interest of the children, and agreed that the Deputy Principal cover the class with the non-TQI registered assistant [REDACTED] and a second non-TQI registered assistant [REDACTED].
  - f. The principal subsequently received a complaint from a [REDACTED] class regarding the staffing decision, informed the OSS board of the complaint, and responded to the complainant.

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## UNCLASSIFIED

- g. In investigating the complaint, the principal identified that similar staffing had been arranged for [REDACTED] class to cover the teacher's absences on two other occasions (3 and 4 April 2019).
9. During my visit I received from the principal:
- a. Newly development arrangements for Teacher Relief for Early Childhood (Attachment B). The copy provided indicates that these arrangements were created in May 2019.
  - b. A letter (Attachment C) from the principal assuring me that the school will implement the new arrangements.
  - c. A copy of the primary school staffing absences and relief arrangements for term 1 2019 and term 2 2019 (until 27/6/2019) (Attachment D).
10. In examining the list of staff absences, I identified that non-compliant staffing had also been implemented at the school on:
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED].
11. I am satisfied that the principal was unaware that the practice of using unqualified teachers aids to run classes when teachers were away, was more significant than initially advised earlier in my meeting (i.e. [REDACTED] classroom on 3, 4, and 10 April 2019).

**Finding**

12. Non-compliance with condition E was confirmed on seven occasions in term 1 2019.
13. The principal took appropriate remedial action to ensure this does not happen by developing new arrangement in May 2019. If consistently implemented these new arrangements will ensure the school is compliant with the Condition E (See item 3 above).
14. No non-compliance was identified in term 2 2019 (Term 2 started 29 April 2019) indicating the arrangements have been implemented.
15. No further action is required.

**Financial Implications**

- Nil

**Consultation**Internal

- Nil

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- ~~Teacher Quality Institute separately investigated this complaint under their legislation.~~

External

- An Authorised person meeting with the principal was held on 27 June 2019.
- I have offered to attend a senior staff conversation at the school about legislative compliance during the up-coming school holidays. The principal was most eager to accept this offer.

**Work Health and Safety**

- No safety concerns with the sections of the OSS site that were visited on 27 June 2019 were identified. I was appropriately asked to sign the school's visitor's book on arrival and departure.

**Benefits/Sensitivities**

- Investigation of the complaint together with the proposed meeting with senior staff at OSS will strengthen this school's understanding of the importance of legislative compliance.

**Communications, media and engagement implications**

- Nil

Signatory Name: Lynda Tooth Phone: 58321

Action Officer: Lynda Tooth Phone: 58321

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Principal's consent
Attachment B	arrangements for Teacher Relief for Early Childhood
Attachment C	Letter of assurance
Attachment D	List of staff absences

UNCLASSIFIED

**From:** [Kelly, Cherie](#)  
**To:** [Tooth, Lynda](#)  
**Cc:** [Hale, Claudia](#); [Ellis, Anne](#)  
**Subject:** RE: DRAFT report on Authorised person investigation RE OSS  
**Date:** Thursday, 27 June 2019 5:05:49 PM  
**Attachments:** [EDU19\\_803 - report on Authroised person investigation - TQI edits.docx](#)  
[image003.jpg](#)

---

## UNCLASSIFIED Sensitive

Dear Lynda,

After reviewing your brief to Executive Branch Manager Governance and Community Liaison I request that any references to TQI is removed as we do not register LSAs or teacher assistants and have no investigative powers under the *Teacher Quality Act*.

Claudia and Anne are out of the office until Monday. Please contact them if you have any further questions.

Regards,  
Cherie

**Cherie Kelly | Senior Project Director Professional Standards and Registration**  
Phone: +61 2 62077643 | Email: [tqi@act.gov.au](mailto:tqi@act.gov.au)  
**ACT Teacher Quality Institute | ACT Government**  
PO Box 263 Jamison Centre ACT 2614 | [www.tqi.act.edu.au](http://www.tqi.act.edu.au)

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**From:** Tooth, Lynda  
**Sent:** Thursday, 27 June 2019 2:58 PM  
**To:** Kelly, Cherie <[Cherie.Kelly@act.gov.au](mailto:Cherie.Kelly@act.gov.au)>  
**Subject:** DRAFT report on Authorised person investigation RE OSS

Good afternoon Cherie

I have just completed my investigation into Orana Steiner School's use of teachers aids to run classes which is contrary to the Conditions of registration in the Education Act.

I understand TQI was similarly involved in this matter.

Would you be willing to look at the attached DRAFT report of my findings, and advise if there is anything TQI can add to the background, or if my findings are consistent with yours?

regards  
*Lynda*

**Lynda Tooth | Director Non-government Education**

Phone: +61 2 6205 8321 | [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Governance and Community Liaison Branch | Education | ACT Government  
GPO Box 158 CANBERRA ACT 2601

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**Education Directorate**

UNCLASSIFIED

**To:** Executive Branch Manager Governance and  
Community Liaison

EDU19/803

**Date:** 27/06/2019

**From:** Director, Non-government Education

**Subject:** Authorised person entry to Orana Steiner School

**Recommendations**

That you:

1. Note the information contained in this brief;

**Noted**

2. Instruct me to prepare a:

- a. briefing for the Minister,
- b. letter from the Minister to the complainant, and
- c. letter from you to the school confirming my findings.

**Agreed**

Danielle Krajina

28/06/2019

Executive Feedback

**Background**

1. Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
2. An OSS [REDACTED] has alleged (MIN19/596) the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.

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3. Under section 91 (e) of the *Education Act 2004*, non-government schools must, as a condition of registration, ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach.
4. Under Sn 95 of the *Education Act 2004* contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
5. Minister Berry was briefed on this matter on 31 May 2019 (MIN19/596).
6. On 5 June 2019 you wrote to the principal of OSS advising that you had asked me, as an authorised person, to enter the school under Sn 122 of the Act and investigate the school's employment practices and inspect the school's employment records and staff qualifications.

### Issues

7. On 27 June 2019 I visited the school and gained the principal's consent to the entry. (Attachment A)
8. I received the following advice from the principal:
  - a. On 10 April 2019 the principal was advised by the Deputy principal that there were insufficient teachers to cover the [REDACTED] class teacher's absence.
  - b. [REDACTED] class is a mixed [REDACTED] class usually taught by TQI registered teacher [REDACTED] assisted by non-TQI registered assistant [REDACTED]. The [REDACTED] staff members meet the staff: student ratios required under the National law for children below kindergarten age.
  - c. Mixed age classes are consistent with Steiner philosophy.
  - d. The school endeavours to engage relief teachers who are fully conversant with Steiner philosophy; but Steiner trained relief teachers are few and far between in the ACT.
  - e. The principal decided that splitting [REDACTED] class amongst other teaching groups was not in the best interest of the children, and agreed that the Deputy Principal cover the class with the non-TQI registered assistant [REDACTED] and a second non-TQI registered assistant [REDACTED].
  - f. The principal subsequently received a complaint from [REDACTED] class regarding the staffing decision, informed the OSS board of the complaint, and responded to the complainant.
  - g. In investigating the complaint, the principal identified that similar staffing had been arranged for [REDACTED] class to cover the teacher's absences on two other occasions (3 and 4 April 2019).

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## UNCLASSIFIED

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- a. Newly development arrangements for Teacher Relief for Early Childhood (Attachment B). The copy provided indicates that these arrangements were created in May 2019.
  - b. A letter (Attachment C) from the principal assuring me that the school will implement the new arrangements.
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10. In examining the list of staff absences, I identified that non-compliant staffing had not only occurred on 3, 4, and 10 April 2019, but had also occurred on:
1. [REDACTED] on 1 April 2019
  2. [REDACTED] on 3 April 2019
  3. [REDACTED] on 8 April 2019
  4. [REDACTED] on 11 April 2019.
11. The principal indicated [REDACTED] was unaware that the practice of using unqualified teachers aids to run classes when teachers were away, was more significant than initially advised earlier in my meeting. I have no reason to doubt the sincerity of [REDACTED] assertions.

**Finding**

12. Non-compliance with condition E was confirmed on seven occasions in term 1 2019.
13. The principal took remedial action to ensure this does not happen again.
14. If the new arrangements are consistently implemented these new arrangements will the school is unlikely to be non-compliant with the Condition E again (See item 3 above).
15. Of the 32 teaching staff absences in term 2 2019 (Term 2 started 29 April 2019) all teaching staff were replaced by teaching staff. This suggest that the new relief staffing arrangements had been implemented.
16. No further action is deemed necessary.

**Financial Implications**

17. Nil

**Consultation**Internal

18. Nil

UNCLASSIFIED

UNCLASSIFIED

Cross Directorate

19. Cherie Kelly, Senior Project Director Professional Standards and Registration ACT Teacher Quality Institute was asked to contribute to this brief. She advised that TQI does not have investigative powers under the Teacher Quality Act. (Attachment E).

External

20. In addition to the Authorised person meeting with the principal that was held on 27 June 2019. I have offered to attend a senior staff conversation at the school about legislative compliance during the up-coming school holidays. The principal was most eager to accept this offer.

**Work Health and Safety**

21. No safety concerns with the sections of the OSS site that were visited on 27 June 2019 were identified. I was appropriately asked to sign the school's visitor's book on arrival and departure.

**Benefits/Sensitivities**

22. Investigation of the complaint together with the proposed meeting with senior staff at OSS will strengthen this school's understanding of the importance of legislative compliance.
23. Further action as allowed under section 95 of the *Education Act 2004* (i.e. to recommend to the Minister that the school's registration be cancelled due to a condition of registration being contravened) is not deemed necessary.

**Communications, media and engagement implications**

24. Nil

Signatory Name: Lynda Tooth

Phone: 58321

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Principal's consent
Attachment B	arrangements for Teacher Relief for Early Childhood
Attachment C	Letter of assurance
Attachment D	List of staff absences
Attachment E	Response from TQI

UNCLASSIFIED

**Education Directorate**

UNCLASSIFIED

**To:** Minister for Education and Early Childhood  
Development

Tracking No.: Min19/596

**Date:** 23/08/2019**From:** Director-General Education**Subject:** Complaint about Orana Steiner School - Eldridge

- DDG .../.../...

**Recommendations**

That you:

1. Note that Orana Steiner School was found to be non-compliant with a condition of registration on seven occasions during term 1 2019;

**Noted / Please Discuss**

2. Agree that no further action is required as the school has rectified the non-compliance;

**Agreed / Not Agreed / Please Discuss**

3. Sign the attached letter to the complainant (Attachment A).

**Signed / Not Signed / Please Discuss**

Yvette Berry MLA ...../...../.....

Minister's Office Feedback

UNCLASSIFIED

**Background**

1. Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
2. An OSS [REDACTED] alleged (MIN19/596) the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.
3. Under section 91 (e) of the *Education Act 2004* (the Act), non-government schools must, as a condition of registration, ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach. This condition is referred to as 'Condition E'.
4. Under Sn 95 of the Act contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
5. You were briefed on this matter on 31 May 2019 (MIN19/596).
6. In June 2019 the Registrar of non-government schools instructed an authorised person, to enter the school under Sn 122 of the Act and investigate the school's employment practices and inspect the school's employment records and staff qualifications.

**Issues**

7. The authorised person found that on seven occasions in term 1 2019 OSS deployed a teacher's aide who did not have teaching qualifications or Teacher Quality Institute (TQI) registration to act as relief staff in charge of OSS classrooms during periods when teachers were ill, and the school could not source Steiner trained relief teaching staff.
8. These seven actions constituted non-compliance with Condition E of the Act.
9. Once advised of the non-compliance the principal took remedial action to ensure only teachers were deployed.
10. Of the 32 teaching staff absences that subsequently occurred during term 2 2019 all teaching staff were replaced by appropriately qualified teachers with TQI registration.
11. A further check of the school's compliance was undertaken in August 2019. The principal confirmed that the school's new arrangements had been consistently applied thus ensuring ongoing compliance.
12. The Registrar has identified that no further action is deemed necessary.

**Financial Implications**

13. Nil response

UNCLASSIFIED

UNCLASSIFIED

**Consultation**

Internal

- 14. Ms Lynda Tooth, Senior Director Non-government Education Regulation and the Directorate’s Authorised Person for Non-government School investigations interviewed the principal of Orana Steiner School about the alleged non-compliance.

Cross Directorate

- 15. Nil response

External

- 16. [REDACTED] Orana Steiner School met with the Directorate’s Authorised Person for Non-government School investigations.

**Work Health and Safety**

- 17. No work, health or safety issues were identified pertaining to this matter.

**Benefits/Sensitivities**

- 18. As OSS has rectified its non-compliance, there is no advantage to proceeding to the cancellation of the school’s registration under the provisions of Sn 95 of the Act.

**Communications, media and engagement implications**

- 19. A letter has been prepared for your consideration in response to [REDACTED] complaint. (Attachment A)

Signatory Name: Danielle Krajina

Phone:

Action Officer: Lynda Tooth

Phone: 58321

**Attachments**

Attachment	Title
Attachment A	Letter to [REDACTED]

UNCLASSIFIED

**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 8 May 2019 about your concerns relating to Orana Steiner School. I apologise for the delay in responding.

In response to your letter the Registrar of Non-government Schools required an authorised person responsible for non-government school regulation to investigate the allegations you made in your letter to me. The ACT Teacher Quality Institute (TQI) has also been in contact with the school.

The authorised person found the school had on seven occasions in term 1 2019 deployed a teaching assistant employed by the school and familiar with the school's practices and philosophy to substitute for regular teachers who were absent from the school.

The authorised person also found, on learning this practice contravened the school's conditions of registration, the principal reviewed practices and developed alternative procedures to ensure only appropriately qualified teachers conducted classes at the school.

As the authorised person and TQI have confirmed the school is now compliant with the condition of school registration, and with the *ACT Teacher Quality Institute Act 2010* respectively. I am satisfied no further action is necessary.

Thank you for raising this matter with me.

Yours sincerely

Yvette Berry MLA  
Minister for Education and Early Childhood Development



**From:** [Martinez, Catherine](#) on behalf of [EDU, EDBSD](#)  
**To:** [EDUMCR](#)  
**Cc:** [Nott, Georgia](#); [EDU, EDBSD](#)  
**Subject:** FW: FOR CLEARANCE: MIN19/596 : LETTER ORANA SCHOOL TEACHER QUALIFICATIONS CONCERNS  
**Date:** Thursday, 29 August 2019 11:46:03 AM

---

UNCLASSIFIED

Good morning MCR

Please progress letter DOC19/24801 to MO for clearance. This has been cleared by EGM BS David Matthews.

Regards  
Catherine

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

From: Matthews, David <David.Matthews@act.gov.au> On Behalf Of EDU, EDBSD  
Sent: Wednesday, 28 August 2019 2:56 PM  
To: Nott, Georgia <Georgia.Nott@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>  
Cc: Tooth, Lynda <Lynda.Tooth@act.gov.au>  
Subject: RE: FOR CLEARANCE: MIN19/596 : LETTER ORANA SCHOOL TEACHER QUALIFICATIONS CONCERNS [REDACTED]

UNCLASSIFIED

Noted and approved, with thanks.

David Matthews

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

From: Nott, Georgia <Georgia.Nott@act.gov.au>  
Sent: Monday, 26 August 2019 11:24 AM  
To: EDU, EDBSD <EDBSD.EDU@act.gov.au>  
Cc: Tooth, Lynda <Lynda.Tooth@act.gov.au>  
Subject: FOR CLEARANCE: MIN19/596 : LETTER ORANA SCHOOL TEACHER QUALIFICATIONS CONCERNS [REDACTED]

UNCLASSIFIED

Good morning,

Please find brief and letter for David's clearance.

It is not the caveat brief but the document titled: 'Min19/596 - Finalisation of investigation into complaint re OSS' and 'Min 19 596 Attachment A - ltr to [REDACTED]'.

Thank you.

Kind regards –

Georgia Nott | Business Support Officer & EA to the Executive Branch Manager, Danielle Krajina | x77111

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

From: Krajina, Danielle <Danielle.Krajina@act.gov.au>  
Sent: Friday, 23 August 2019 6:56 PM  
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>

Cc: Nott, Georgia <Georgia.Nott@act.gov.au>; Penglis, Katy <Katy.Penglis@act.gov.au>  
Subject: RE: For Clearance : HPE Content Manager MIN : MIN19/596 : LETTER ORANA SCHOOL  
TEACHER QUALIFICATIONS CONCERNS [REDACTED]

UNCLASSIFIED

Cleared... Minor changes

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+

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

From: Tooth, Lynda <Lynda.Tooth@act.gov.au>  
Sent: Friday, 23 August 2019 5:00 PM  
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>  
Cc: Nott, Georgia <Georgia.Nott@act.gov.au>; Penglis, Katy <Katy.Penglis@act.gov.au>  
Subject: For Clearance : HPE Content Manager MIN : MIN19/596 : LETTER ORANA SCHOOL TEACHER  
QUALIFICATIONS CONCERNS [REDACTED]

Danielle

I have now confirmed that OSS continues to be compliant with the conditions of registration regarding relief  
teachers ... therefore this brief and ltr are ready for progression to Minister.

Georgia

Could you ensure I am sending this correctly to the Minister? (I have listed the DG but maybe it should be the  
EGMBS)

Katy

Could you ensure this TRIM folder is re-opened?

Regards

Lynda

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

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

Record Number:MIN19/596

Title:LETTER ORANA SCHOOL TEACHER QUALIFICATIONS CONCERNS [REDACTED]

**From:** [Cuzner, Jane](#)  
**To:** [King, Ashley](#)  
**Cc:** [Ellis, Anne](#)  
**Subject:** RE: MIN19/596 ORANA SCHOOL TEACHER QUALIFICATIONS CONCERNS [REDACTED]  
**Date:** Monday, 2 September 2019 3:46:02 PM  
**Attachments:** [Min 19 596 Attachment A - ltr to \[REDACTED\].DOCX](#)

---

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Hi Ashley

TQI had not been asked for input. Anne has approved the changes made in track changes on the attached letter.

Jane

Contact days are Mondays and Tuesdays

Jane Cuzner | Director, Governance  
Phone: 62059329 | Email: [jane.cuzner@act.gov.au](mailto:jane.cuzner@act.gov.au)  
Teacher Quality Institute | Education | ACT Government  
PO Box 263 Jamison Centre ACT 2614 | [www.tqi.act.edu.au](http://www.tqi.act.edu.au)

---

**From:** King, Ashley <[Ashley.King@act.gov.au](mailto:Ashley.King@act.gov.au)>  
**Sent:** Friday, 30 August 2019 11:28 AM  
**To:** Cuzner, Jane <[Jane.Cuzner@act.gov.au](mailto:Jane.Cuzner@act.gov.au)>  
**Subject:** MIN19/596 ORANA SCHOOL TEACHER QUALIFICATIONS CONCERNS [REDACTED]

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Hi Jane

Did Lynda seek input from TQI into this response?

Mr Ashley King | Director  
Education Directorate Liaison Officer  
Phone + 61 2 6205 0291 | Email: [EduDLO@act.gov.au](mailto:EduDLO@act.gov.au)  
Office of Yvette Berry MLA  
Minister for Education and Early Childhood Development

**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 your letter of 8 May 2019 about your concerns relating to Orana Steiner School.

In response to your letter the Registrar of Non-government Schools required an Authorised Person responsible for Non-government school regulation to investigate the allegations you made in your letter to me. The Teacher Quality Institute (TQI) has also been in contact with the school.

The Authorised Person found the school had on seven occasions in term 1 2019 deployed a teaching assistant employed by the school and familiar with the school's practices and philosophy to substitute for regular teachers who were absent from the school.

The Authorised Person also found, on learning this practice contravened the schools conditions of registration, the principal reviewed practices and developed alternative procedures to ensure only appropriately qualified teachers conducted classes at the school.

As the Authorised Person and TQI have confirmed the school is now compliant with the condition of school registration and with the *TQI Act 2010* respectively, I am satisfied no further action is necessary.

Thank you for raising this matter with me.

Yours sincerely

Yvette Berry MLA  
Minister for Education and Early Childhood Development



**From:** [Cuzner, Jane](#)  
**To:** [King, Ashley](#)  
**Cc:** [Ellis, Anne](#)  
**Subject:** RE: Orana Steiner  
**Date:** Monday, 9 September 2019 4:25:18 PM

---

UNCLASSIFIED

Ashley

Please find below dot points approved by Anne.

- Orana School's educational philosophy is inspired by the work of Rudolf Steiner. Steiner Education brings together interconnecting aspects that include teaching methods, curriculum and philosophy.
- Orana School has confirmed with TQI the allegations made by [REDACTED] that the school had deployed persons who were not registered on the teachers register to teach classes. The school confirmed that this had happened on three occasions.
- Orana School informed TQI of background to the incidents as follows:
  - Staffing movement from the Early Childhood classrooms has caused some staffing pressure.
  - There is a shortage of relief teachers who are registered with TQI, who are qualified in Early Childhood Education and who understand the Steiner philosophy.
- TQI has spoken with and written to the principal of Orana school. TQI has set out the requirements for employers to only employ approved teachers in a teaching capacity and the offence relating to a breach of this requirement.
- TQI is satisfied:
  - the principal at Orana School is aware that it is an offence to employ or allow a person who is not an approved teacher or who holds a permit to teach, to teach in a school
  - the school has established procedures to prevent a similar breach in the future.
- TQI does not intend to take further action.

Contact days are Mondays and Tuesdays

Jane Cuzner | Director, Governance  
Phone: 62059329 | Email: [jane.cuzner@act.gov.au](mailto:jane.cuzner@act.gov.au)  
Teacher Quality Institute | Education | ACT Government  
PO Box 263 Jamison Centre ACT 2614 | [www.tqi.act.edu.au](http://www.tqi.act.edu.au)

---

**From:** King, Ashley <[Ashley.King@act.gov.au](mailto:Ashley.King@act.gov.au)>  
**Sent:** Friday, 6 September 2019 1:55 PM  
**To:** Cuzner, Jane <[Jane.Cuzner@act.gov.au](mailto:Jane.Cuzner@act.gov.au)>  
**Subject:** Orana Steiner

UNCLASSIFIED

Hello Jane

Would you please provide me some dot points on what if anything TQI has considered

concerning this allegation? The office is keen to know TQI position.

Ashley

Mr Ashley King | Director

Education Directorate Liaison Officer

Phone + 61 2 6205 0291 | Email: [EduDLO@act.gov.au](mailto:EduDLO@act.gov.au)

Office of Yvette Berry MLA

Minister for Education and Early Childhood Development

**From:** [King, Ashley](#) on behalf of [Education DLO](#)  
**To:** [Krajina, Danielle](#)  
**Cc:** [Tooth, Lynda](#); [EDUMCR](#)  
**Subject:** MIn19/596 Final Brief Orana Steiner  
**Date:** Thursday, 12 September 2019 3:14:00 PM  
**Attachments:** [20190912155708421.pdf](#)

---

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Hello

Minister has agreed to this brief. It will be returned top MCR 13/9/19.

Ashley

Mr Ashley King I Director  
Education Directorate Liaison Officer  
Phone + 61 2 6205 0291 | Email: [EduDLO@act.gov.au](mailto:EduDLO@act.gov.au) Office of Yvette Berry MLA Minister for Education and  
Early Childhood Development



Education Directorate

UNCLASSIFIED

To: Minister for Education and Early Childhood Development

Tracking No.: Min19/596

Date: 23/08/2019

From: Director-General Education

Subject: Complaint about Orana Steiner School - [REDACTED]

- DDG .../.../...

Recommendations

That you:

1. Note that Orana Steiner School was found to be non-compliant with a condition of registration on seven occasions during term 1 2019;

**Noted / Please Discuss**

2. Agree that no further action is required as the school has rectified the non-compliance;

**Agreed / Not Agreed / Please Discuss**

3. Sign the attached letter to the complainant (Attachment A).

**Signed / Not Signed / Please Discuss**

Yvette Berry MLA

... 10.09.19

Minister's Office Feedback



UNCLASSIFIED

**Background**

1. Orana Steiner School (OSS) is registered as an ACT non-government school until 31 December 2021.
2. An OSS [REDACTED] alleged (MIN19/596) the school contravened a condition of registration during Term 1 2019 by allowing teachers-aids to teach classes.
3. Under section 91 (e) of the *Education Act 2004* (the Act), non-government schools must, as a condition of registration, ensure teaching staff are qualified to teach at the educational levels at which they are employed to teach. This condition is referred to as 'Condition E'.
4. Under Sn 95 of the Act contravention of a condition of registration is grounds for the cancellation of a non-government school's registration.
5. You were briefed on this matter on 31 May 2019 (MIN19/596).
6. In June 2019 the Registrar of non-government schools instructed an authorised person, to enter the school under Sn 122 of the Act and investigate the school's employment practices and inspect the school's employment records and staff qualifications.

**Issues**

7. The authorised person found that on seven occasions in term 1 2019 OSS deployed a teacher's aide who did not have teaching qualifications or Teacher Quality Institute (TQI) registration to act as relief staff in charge of OSS classrooms during periods when teachers were ill, and the school could not source Steiner trained relief teaching staff.
8. These seven actions constituted non-compliance with Condition E of the Act.
9. Once advised of the non-compliance the principal took remedial action to ensure only teachers were deployed.
10. Of the 32 teaching staff absences that subsequently occurred during term 2 2019 all teaching staff were replaced by appropriately qualified teachers with TQI registration.
11. A further check of the school's compliance was undertaken in August 2019. The principal confirmed that the school's new arrangements had been consistently applied thus ensuring ongoing compliance.
12. The Registrar has identified that no further action is deemed necessary.

**Financial Implications**

13. Nil response

UNCLASSIFIED

UNCLASSIFIED

**Consultation**

Internal

- 14. Ms Lynda Tooth, Senior Director Non-government Education Regulation and the Directorate’s Authorised Person for Non-government School investigations interviewed the principal of Orana Steiner School about the alleged non-compliance.

Cross Directorate

- 15. Nil response

External

- 16. [Redacted] Orana Steiner School met with the Directorate’s Authorised Person for Non-government School investigations.

**Work Health and Safety**

- 17. No work, health or safety issues were identified pertaining to this matter.

**Benefits/Sensitivities**

- 18. As OSS has rectified its non-compliance, there is no advantage to proceeding to the cancellation of the school’s registration under the provisions of Sn 95 of the Act.

**Communications, media and engagement implications**

- 19. A letter has been prepared for your consideration in response to [Redacted] complaint. (Attachment A)

Signatory Name: Danielle Krajina

Phone:

Action Officer: Lynda Tooth

Phone: 58321

**Attachments**

Attachment	Title
Attachment A	Letter to [Redacted]

UNCLASSIFIED

**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



Thank you for your letter of 8 May 2019 about your concerns relating to Orana Steiner School. I apologise for the delay in responding.

In response to your letter the Registrar of Non-government Schools required an authorised person responsible for non-government school regulation to investigate the allegations you made in your letter to me. The ACT Teacher Quality Institute (TQI) has also been in contact with the school.

The authorised person found the school had on seven occasions in term 1 2019 deployed a teaching assistant employed by the school and familiar with the school's practices and philosophy to substitute for regular teachers who were absent from the school.

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As the authorised person and TQI have confirmed the school is now compliant with the condition of school registration, and with the *ACT Teacher Quality Institute Act 2010* respectively. I am satisfied no further action is necessary.

Thank you for raising this matter with me.

Yours sincerely

Yvette Berry MLA

Minister for Education and Early Childhood Development

12 SEP 2019

**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



**From:** [BERRY](#)  
**To:** [REDACTED]  
**Subject:** Letter from Minister Berry  
**Date:** Thursday, 12 September 2019 3:57:50 PM  
**Attachments:** [20190912155728154.pdf](#)  
[image001.png](#)  
[image002.png](#)

---

[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  
Phone: +61 2 6205 0233 | Email: [berry@act.gov.au](mailto:berry@act.gov.au)  
[Facebook](#) | [Twitter](#) | [www.yvetteberry.com.au](http://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***

**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 8 May 2019 about your concerns relating to Orana Steiner School. I apologise for the delay in responding.

In response to your letter the Registrar of Non-government Schools required an authorised person responsible for non-government school regulation to investigate the allegations you made in your letter to me. The ACT Teacher Quality Institute (TQI) has also been in contact with the school.

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Thank you for raising this matter with me.

Yours sincerely

[REDACTED]

Yvette Berry MLA

Minister for Education and Early Childhood Development

12 SEP 2019

**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



2 of 2  
CANBERRA

**From:** [King, Ashley](#) on behalf of [Education DLO](#)  
**To:** [Krajina, Danielle](#)  
**Cc:** [Tooth, Lynda](#); [EDUMCR](#); [EDU, EDBSD](#); [Nott, Georgia](#)  
**Subject:** MIN19/1623 Letter Concerns Student Safety at Orana Steiner School [REDACTED]  
**Date:** Monday, 16 December 2019 10:30:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
**Importance:** High

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Hello

Title/Question	Letter Concerns Student Safety at Orana Steiner School [REDACTED]
Action	Ministerial Response please (brief also if considered necessary)
Responsibility	G&CL
Response type	Letter (and possible brief)
TRIM	MIN19/1623
Date due	MO 10/1/20
Clearance	EGM BS
Comment	Please contact Ashley King at <a href="mailto:EDUDLO@act.gov.au">EDUDLO@act.gov.au</a> if you have questions.

Ashley  
X50291

**From:** BERRY <BERRY@act.gov.au>  
**Sent:** Monday, 16 December 2019 10:12 AM  
**To:** Education DLO <EDUDLO@act.gov.au>  
**Cc:** Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>  
**Subject:** FW: URGENT - Student Safety at Orana Stenier School

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](mailto:berry@act.gov.au)  
[Facebook](#) | [Twitter](#) | [www.yvetteberry.com.au](http://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:** [REDACTED]

**Sent:** Sunday, 15 December 2019 8:39 PM

**To:** BERRY <[BERRY@act.gov.au](mailto:BERRY@act.gov.au)>

**Cc:** RAMSAY <[RAMSAY@act.gov.au](mailto:RAMSAY@act.gov.au)>

**Subject:** URGENT - Student Safety at Orana Stenier School

Good morning Minister Berry,

By way of introduction, [REDACTED]

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

I [REDACTED] have become aware of multiple instances of probable student harm at the school over the last 18 months. The common causal theme appears to be a lack of senior leadership competency and poor/absent processes.

Resolution would appear to be beyond the Board and school senior leadership. There is growing concern within the school's community over the school's ability to ensure student safety.

I would strongly urge an urgent independent review of the school's ongoing suitability to remain registered.

Kind regards,

[REDACTED]

**From:** [Martinez, Catherine](#) on behalf of [EDU, EDBSD](#)  
**To:** [EDUMCR](#); [Education DLO](#)  
**Cc:** [Krajina, Danielle](#); [EDU, EDBSD](#); [DGEDUoffice](#); [DDGEDUoffice](#)  
**Subject:** FW: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL  
**Date:** Thursday, 19 December 2019 10:26:27 AM  
**Attachments:** [LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL \[REDACTED\].tr5](#)

---

UNCLASSIFIED

Good morning MCR

Please progress to MO, cleared by EGM BS David Matthews.

DROP COPY to DG and DDG.

Regards  
Catherine

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

**From:** Matthews, David <David.Matthews@act.gov.au> On Behalf Of EDU, EDBSD  
**Sent:** Thursday, 19 December 2019 8:21 AM  
**To:** Krajina, Danielle <Danielle.Krajina@act.gov.au>; Tooth, Lynda <Lynda.Tooth@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>  
**Cc:** EDUMCR <EDUMCR@act.gov.au>  
**Subject:** RE: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

UNCLASSIFIED

"Thursday, 19 December 2019 at 8:20:59 AM (GMT-11:00) MATTHEWS, David:"  
Approved, this can now be forwarded to the DLO.

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

**From:** Krajina, Danielle <Danielle.Krajina@act.gov.au>  
**Sent:** Tuesday, 17 December 2019 5:43 PM  
**To:** Tooth, Lynda <Lynda.Tooth@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>  
**Cc:** Krajina, Danielle <Danielle.Krajina@act.gov.au>; EDUMCR <EDUMCR@act.gov.au>  
**Subject:** FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

UNCLASSIFIED

Catherine

In Georgia's absence I have cleared and seek David's review for provision to the Minister.

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](mailto:Danielle.krajina@act.gov.au) Level 6 220 Northbourne Avenue Braddon | GPO Box 158  
 Canberra ACT 2601 [www.education.act.gov.au](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [Google+](#)

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

**From:** Tooth, Lynda <Lynda.Tooth@act.gov.au>  
**Sent:** Tuesday, 17 December 2019 3:04 PM  
**To:** Krajina, Danielle <Danielle.Krajina@act.gov.au>  
**Cc:** Education DLO <EDUDLO@act.gov.au>



Subject: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

Danielle

I have drafted a response from the Minister for your clearance; updated the action tree and added notes of my conversation with the complainant into the TRIM container.

Regards

Lynda

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

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

Record Number:MIN19/1623

Title:LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

**From:** [Tooth, Lynda](#)  
**To:** [Moysey, Sean](#)  
**Cc:** [Krajina, Danielle](#); [EDU, EDBSD](#); [Education DLO](#)  
**Subject:** FOR additions by CECA MIN : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]  
**Date:** Thursday, 19 December 2019 3:33:00 PM  
**Attachments:** [LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL \[REDACTED\].tr5](#)

---

Sean

Following our conversation, I have confirmed that the Orana related FOI does not relate to this matter.

Could you please arrange for text to be added from CECA in the **highlighted** sections (or elsewhere as you deem appropriate), and progress this matter to Danielle Krajina for clearance

[REDACTED]

Regards

Lynda

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

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

Record Number : MIN19/1623

Title : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

**From:** [Brighton, Meg](#)  
**To:** [DDGEDUoffice](#)  
**Subject:** RE: DROP COPY - MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]  
**Date:** Tuesday, 24 December 2019 8:36:49 AM

---

UNCLASSIFIED

Noted

Thank you

Meg

Meg Brighton | Deputy Director-General Education Directorate | ACT Government  
T: +61 2 6205 9458 | E: [meg.brighton@act.gov.au](mailto:meg.brighton@act.gov.au) Level 6, 220 Northbourne Ave Braddon | GPO Box 158  
Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

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

From: Hernandez, Grace <[Grace.Hernandez@act.gov.au](mailto:Grace.Hernandez@act.gov.au)> On Behalf Of DDGEDUoffice  
Sent: Thursday, 19 December 2019 10:34 AM  
To: Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
Subject: DROP COPY - MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

UNCLASSIFIED

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

From: Martinez, Catherine <[Catherine.Martinez@act.gov.au](mailto:Catherine.Martinez@act.gov.au)> On Behalf Of EDU, EDBSD  
Sent: Thursday, 19 December 2019 10:26 AM  
To: EDUMCR <[EDUMCR@act.gov.au](mailto:EDUMCR@act.gov.au)>; Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>  
Cc: Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>;  
DGEDUoffice <[DDGEDUoffice@act.gov.au](mailto:DDGEDUoffice@act.gov.au)>; DDGEDUoffice <[DDGEDUoffice@act.gov.au](mailto:DDGEDUoffice@act.gov.au)>  
Subject: FW: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

UNCLASSIFIED

Good morning MCR

Please progress to MO, cleared by EGM BS David Matthews.

DROP COPY to DG and DDG.

Regards  
Catherine

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

From: Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)> On Behalf Of EDU, EDBSD  
Sent: Thursday, 19 December 2019 8:21 AM  
To: Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>; EDU,  
EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
Cc: EDUMCR <[EDUMCR@act.gov.au](mailto:EDUMCR@act.gov.au)>  
Subject: RE: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

UNCLASSIFIED

"Thursday, 19 December 2019 at 8:20:59 AM (GMT-11:00) MATTHEWS, David:"  
Approved, this can now be forwarded to the DLO.

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

From: Krajina, Danielle <Danielle.Krajina@act.gov.au>  
Sent: Tuesday, 17 December 2019 5:43 PM  
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>  
Cc: Krajina, Danielle <Danielle.Krajina@act.gov.au>; EDUMCR <EDUMCR@act.gov.au>  
Subject: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

UNCLASSIFIED

Catherine

In Georgia's absence I have cleared and seek David's review for provision to the Minister.

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+

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

From: Tooth, Lynda <Lynda.Tooth@act.gov.au>  
Sent: Tuesday, 17 December 2019 3:04 PM  
To: Krajina, Danielle <Danielle.Krajina@act.gov.au>  
Cc: Education DLO <EDUDLO@act.gov.au>  
Subject: FOR CLEARANCE : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

Danielle

I have drafted a response from the Minister for your clearance; updated the action tree and added notes of my conversation with the complainant into the TRIM container.

Regards  
Lynda

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

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

Record Number:MIN19/1623  
Title:LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

**From:** [King, Ashley](#) on behalf of [Education DLO](#)  
**To:** [Tooth, Lynda](#); [Moysey, Sean](#)  
**Cc:** [EDU, EDBSD](#); [EDUMCR](#)  
**Subject:** RE: FOR additions by CECA MIN : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]  
**Date:** Friday, 17 January 2020 9:40:00 AM

---

UNCLASSIFIED For-Official-Use-Only

New due date 24/1/20 to MO

Mr Ashley King | Director

Education Directorate Liaison Officer

Phone + 61 2 6205 0291 | Email: [EduDLO@act.gov.au](mailto: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:** Thursday, 16 January 2020 3:42 PM

**To:** Moysey, Sean <Sean.Moysey@act.gov.au>

**Cc:** Education DLO <EDUDLO@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>

**Subject:** FW: FOR additions by CECA MIN : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

Sean

I spoke with Meg King today; Meg indicated she would follow MIN19/1623 (see below) up with you.

I will ask Ashley to extend the due date on this brief to provide a few days more for CECA to add the salient information.

Ashley

Could you extend the due date on this briefing please, it is with Sean Moysey for CECA additional information.

**Regards**

*Lynda*

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

[lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Phone: +61 2 6205 8321

---

**From:** Tooth, Lynda

**Sent:** Thursday, 19 December 2019 3:35 PM

**To:** Moysey, Sean <[Sean.Moysey@act.gov.au](mailto:Sean.Moysey@act.gov.au)>

**Cc:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>; Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>

**Subject:** FOR additions by CECA MIN : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

Sean

Following our conversation, I have confirmed that the Orana related FOI does not relate to this matter.

Could you please arrange for text to be added from CECA in the **highlighted** sections (or elsewhere as you deem appropriate), and progress this matter to Danielle Krajina for clearance

Regards

Lynda

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

[lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Phone: +61 2 6205 8321

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

Record Number : MIN19/1623

Title : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL 

**From:** [Martinez, Catherine](#) on behalf of [EDU, EDBSD](#)  
**To:** [EDUMCR](#)  
**Cc:** [EDU, EDBSD](#); [DGEDUoffice](#); [DDGEDUoffice](#); [Krajina, Danielle](#)  
**Subject:** FOR CLEARANCE: MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]  
**Date:** Monday, 17 February 2020 1:03:00 PM  
**Attachments:** [LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL \[REDACTED\].tr5](#)

---

UNCLASSIFIED

Good afternoon MCR

Please progress to MO, cleared by EGMBS Andrew Parkinson.

DROP COPY to DG and DDG.

Regards  
Catherine

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

**From:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>  
**Sent:** Thursday, 13 February 2020 10:35 AM  
**To:** EDU, EDBSD <[EDBSD.EDU@act.gov.au](mailto:EDBSD.EDU@act.gov.au)>  
**Cc:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; Nott, Georgia <[Georgia.Nott@act.gov.au](mailto:Georgia.Nott@act.gov.au)>  
**Subject:** FW: HPE Content Manager MIN : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

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For Andrew's clearance and then back to MCR to provide to the Minister.

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](mailto:Danielle.krajina@act.gov.au) Level 6 220 Northbourne Avenue Braddon | GPO Box 158 Canberra ACT 2601 [www.education.act.gov.au](http://www.education.act.gov.au) | Facebook | Twitter | Instagram | LinkedIn | Google+

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

**From:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>  
**Sent:** Thursday, 13 February 2020 10:06 AM  
**To:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>  
**Cc:** Nott, Georgia <[Georgia.Nott@act.gov.au](mailto:Georgia.Nott@act.gov.au)>  
**Subject:** HPE Content Manager MIN : MIN19/1623 : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]

Danielle

CECA has now updated the brief and response to the complainant and returned this to you for clearance.

regards  
Lynda

Lynda Tooth | Senior Director Non-government Education Regulation

Phone: +61 2 6205 8321 | [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Governance and Community Liaison Branch | Education | ACT Government GPO Box 158 CANBERRA ACT 2601 [www.education.act.gov.au](http://www.education.act.gov.au)

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

Record Number : MIN19/1623

Title : LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL 



**Education Directorate**

UNCLASSIFIED

**To:** Minister for Education and Early Childhood  
Development

Tracking No.: Min19/1623

**Date:** 12/02/2020**CC:** [Click here to enter text.](#)**From:** Executive Group Manager – Business Services**Subject:** LETTER CONCERNS STUDENT SAFETY ORANA STEINER SCHOOL [REDACTED]**Critical Date:** Nil**Critical Reason:** Nil**Recommendations**

That you:

1. Note the information contained in this brief;

**Noted / Please Discuss**

2. Sign the attached letter.

**Signed / Not Signed / Please Discuss**

Yvette Berry MLA ...../...../.....

Minister's Office Feedback

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**Background**

1. Orana Steiner School (Orana) comprises:
  - a. a registered ACT non-government school (NGS) for kindergarten – year 12; and
  - b. Orana Early Childhood Centre and Kindergarten is also an approved service under the *Education and Care Services National Law (ACT) Act 2011* (the National Law).

**Orana Steiner School (OSS)**

2. The Education Directorate has responsibility for:
  - a. registering ACT NGS;
  - b. inspecting ACT NGS for compliance with the conditions of registration and the Act;
  - c. managing the panel processes that report to the Minister on applications for registration or registration renewal; and
  - d. regulating providers of early childhood education against the National Law.
3. As a condition of registration (S. 91 of the *Education Act 2004* (the Act)) ACT NGS must have appropriate policies for the safety and welfare of students. The Act does not stipulate what policies or procedures a NGS must have.
4. Under S. 94 of the Act the proprietor of a non-government school must develop and implement a complaints policy for the school, and as soon as practical investigate any complaint about the administration, management and operation of the school that is not frivolous or vexatious.
5. As part of the school's last full kindergarten – year 12 registration renewal process (in 2016), the panel stated that it was satisfied that the school had appropriate policies, facilities and equipment for the safety and welfare of its students, and that its policies and practices referenced the *National Safe Schools Framework*.
6. In 2018 an OSS student was removed from the school by the child's mother and the Education Directorate asked the school to provide evidence that it was meeting the condition of registration that requires NGS's to have policies for the safety and welfare of students. Orana provided evidence that it had the following policies for the safety and welfare of students including:
  - a. Working with Vulnerable People Policy
  - b. Reportable Conduct Policy
  - c. Mandatory Reporting Policy
  - d. Critical Incidents (Emergency Response) Policy

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## UNCLASSIFIED

7. In June 2019 the Education Directorate undertook an Authorised Person inspection of Orana relating to allegations that the school was contravening a condition of registration relating to the school utilising teacher's aides as relief teachers. As the school admitted it had been undertaking the practice and revised its relief staffing guidelines; no further action was deemed necessary. You were advised of the outcome of the inspection in Min19/596.

Orana Early Childhood Centre and Kindergarten

8. Children's Education and Care Assurance (CECA) within the Education Directorate are the Regulatory Authority under the National Law for the ACT.
9. Orana Early Childhood Centre and Kindergarten's current risk rating is 'High (4)'. This rating is largely due to the service receiving a Working Towards quality rating in 2018 and having compliance action taken in March 2019. On 1 August 2019 an audit was conducted where only minor compliance issues were identified. The next Assessment and Rating is scheduled for August 2020.
10. The National Law requires services to have a complaints policy (Regulation 168(2)(o)), and for services to notify CECA if they receive a complaint alleging that the National Law has been contravened (Section 174(2)).
11. CECA assesses complaints and, where appropriate, conducts investigations to determine if an offence has occurred. If a breach of the National Law is confirmed, appropriate compliance action can be taken.

Complaint

12. On 16 December 2019 [REDACTED] wrote to you urging you to review the school's ongoing suitability to remain registered.
13. [REDACTED] alleged that [REDACTED] had been aware of instances of probable student harm at the school over the last 18 months.

**Issues**

14. [REDACTED] alleges that:
- a. During 2018 [REDACTED] raised this matter with the school principal and was not satisfied that the principal had provided "a sense of confidence" that the school would manage this situation.
  - b. During 2019 [REDACTED] became the subject of concern for parents, and [REDACTED] out of [REDACTED] students left the school.
  - c. At an undetermined time, a person entered the school grounds and a child [REDACTED] felt unsafe.

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## UNCLASSIFIED

15. The Senior Director non-government Education (NGE) has contacted [REDACTED] and suggested [REDACTED] raise [REDACTED] concerns with the proprietor of the school (as per S. 94 of the Act). [REDACTED] indicated [REDACTED] would be happy to do this in the first instance and would contact the Directorate if [REDACTED] was not satisfied with the proprietor's response.
16. The Registrar of NGSs could consider investigating these allegations if the school's proprietor does not meet its obligations under S. 94 of the Act.
17. [REDACTED]  
[REDACTED]
18. [REDACTED] has been contacted and advised of the process to make a complaint with CECA. If a formal complaint is received regarding [REDACTED] allegations the matter will be assessed through the triage process.

**Financial Implications**

19. Nil

**Consultation**Internal

20. Senior Director NGE Regulation provided background information regarding the kindergarten - year 12 aspects of the school's obligations.
21. Information regarding the National Law has been provided by the Early Childhood Policy and Regulation Branch.

Cross Directorate

22. Nil

External

23. The Senior Director NGE Regulation spoke with [REDACTED] on 16/12/2019.
24. The Senior Director NGE Regulation will informally raise [REDACTED] concerns with the principal of OSS early in 2020.

**Work Health and Safety**

25. Nil response

**Benefits/Sensitivities**

26. [REDACTED] indicated [REDACTED] would raise [REDACTED] concerns with the OSS board in the first instance and contact the Education Directorate if [REDACTED] concerned remain unresolved.
27. [REDACTED] allegations regarding an incident in Orana's preschool relate to the health and safety of children. CECA will assess the issues raised by [REDACTED] to ensure that children are not being placed at risk within the service.

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**Communications, media and engagement implications**

28. Concerns about the safety of students may elicit media interest.

Signatory Name: Andrew Parkinson Phone: 70384  
Action Officers: Lynda Tooth Phone: 58321  
Sean Moysey Phone: 72143

**Attachments**

Attachment	Title
Attachment A	Draft response to [REDACTED]

UNCLASSIFIED

Deputy Chief Minister

Minister for Education and Early Childhood Development

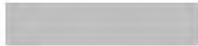
Minister for Housing and Suburban Development

Minister for the Prevention of Domestic and  
Family Violence

Minister for Sport and Recreation

Minister for Women

Member for Ginninderra



Thank you for your letter of 15 December 2019 about Orana Steiner School and your concerns about student safety. I apologise for the delay in responding.

I understand an officer of the Education Directorate has been in contact with you to seek more detail about the incidents that are of concern.

The proprietors and governing bodies of ACT non-government schools are responsible under the *Education Act 2004* for handling complaints about the management of the school, and for overseeing the legislated requirement for schools to have policies for the safety and welfare of students at their school. I encourage you to raise your concerns directly with the Orana Steiner School's board. If you would like further assistance in relation to this matter, please feel free to contact Ms Lynda Tooth, on 02 6205 9301 or by email at [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au).

Regarding the preschool matter, Orana Steiner School Early Childhood Centre and Kindergarten is an approved service under the *Education and Care Services National Law (ACT) Act 2011* (the National Law). Children's Education and Care Assurance (CECA) within ACT Education are the Regulatory Authority under the National Law in the ACT. I understand CECA has contacted you to discuss options for addressing your concerns about the health and safety of children in the preschool.

If you would like further assistance from CECA, please call 02 6207 1114 or email [complaintsCECA@act.gov.au](mailto:complaintsCECA@act.gov.au).

Thank you for bringing your concerns to my attention.

Yours sincerely

Yvette Berry MLA  
Minister for Education and Early Childhood Development



**From:** [BERRY](#)  
**To:** [REDACTED]  
**Subject:** Letter from Minister Berry  
**Date:** Friday, 21 February 2020 10:21:57 AM  
**Attachments:** [20200221082251011.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  
Phone: +61 2 6205 0233 | Email: [berry@act.gov.au](mailto:berry@act.gov.au)  
[Facebook](#) | [Twitter](#) | [www.yvetteberry.com.au](http://www.yvetteberry.com.au)



*Please consider the environment before printing this email. If printing is necessary, print double-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***



**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 15 December 2019 about Orana Steiner School and your concerns about student safety. I apologise for the delay in responding.

I understand an officer of the Education Directorate has been in contact with you to seek more detail about the incidents that are of concern.

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Regarding the preschool matter, Orana Steiner School Early Childhood Centre and Kindergarten is an approved service under the *Education and Care Services National Law (ACT) Act 2011* (the National Law). Children's Education and Care Assurance (CECA) within ACT Education are the Regulatory Authority under the National Law in the ACT. I understand CECA has contacted you to discuss options for addressing your concerns about the health and safety of children in the preschool.

If you would like further assistance from CECA, please call 02 6207 1114 or email [complaintsCECA@act.gov.au](mailto:complaintsCECA@act.gov.au).

Thank you for bringing your concerns to my attention.

Yours sincerely

[REDACTED]

Yvette Berry MLA  
Minister for Education and Early Childhood Development

21 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](mailto:berry@act.gov.au)

@YvetteSBerry

YvetteSBerry

yvettesberry



CANBERRA 3 of 2





Education Directorate

To: Minister for Education and Youth Affairs

Tracking No.: FILE2021/2031

Date: 07/05/2021

From: Director-General

Subject: 2021 non-government school registration renewal processes

Critical Date: 28/05/2021

Critical Reason: To permit the 2021 registration renewal processes to be progressed in a timely manner

- DDGSPR 07/05/21

**Recommendations**

That you:

1. Note that thirteen non-government schools have applied for registration renewal in 2021;

**Noted / Please Discuss**

2. Agree to a process of certifying renewal of registration using a single panel to report to you on the seven applications from independent schools (set out in paragraphs 12 - 18);

**Agreed / Not Agreed / Please Discuss**

3. Agree to [REDACTED] as an independent chair of the panel;

**Agreed / Not Agreed / Please Discuss**

4. Agree to [REDACTED] being remunerated for undertaking the role of panel chair.

**Agreed / Not Agreed / Please Discuss**

## OFFICIAL

5. Agree to the existing delegations<sup>1</sup> relating to panel appointments for non-government school registrations being updated to reference position numbers for the new Registrar of non-government schools and the relevant supervising Deputy Director-General; and

Agreed / Not Agreed / Please Discuss

6. Agree to the Education Directorate exercising the updated delegations to appoint panels to report to you on all 2021 applications for registration renewal.

Agreed / Not Agreed / Please Discuss

Yvette Berry MLA

01/06/21

Minister's Office Feedback

### Background

1. The *Education Act 2004* (the Act) requires you as Minister to appoint a panel to report to you on non-government school registration applications.
2. In November 2013 the then Minister for Education and Training delegated<sup>2</sup> the appointment of registration panels for non-government schools to the Deputy Director-General (E451) and Registrar of Non-government Schools (E607). In May 2021 you appointed position number E825 as the new Registrar of non-government schools (FILE2021/230<sup>3</sup>).
3. Section 227 of the *Legislation Act 2001* excludes Assembly consultation for the appointment of these panels because the role of the panel is to advise you in the exercise of your function under the Act.

### Registration renewal for 2021

4. The Education Directorate has received applications for registration renewal from the proprietors of six Catholic systemic and seven independent schools. The registrations of all 13 schools expire on 31 December 2021. These schools are:

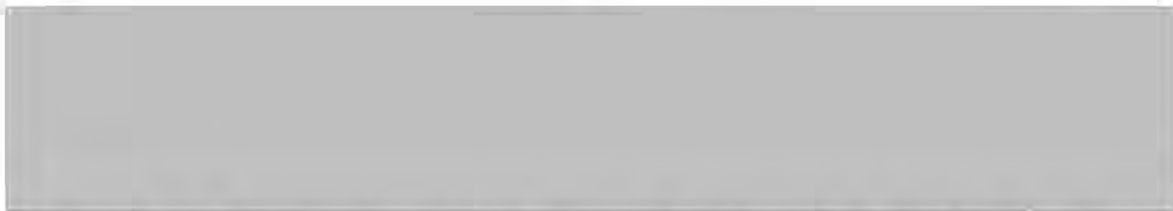
<sup>1</sup> Current delegations for registration panel appointments were signed by the then Minister for Education in 2013. They are located in [MIN2019/00078](#).

<sup>2</sup> A related copy of this delegation brief is located in container FILE2021/2031.

<sup>3</sup> A related copy of appointment brief is located in container FILE2021/2031.

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Catholic systemic schools	Independent Schools
[Redacted]	[Redacted]
	b. Orana Steiner School [Redacted]



6. Although the registration renewal processes for independent schools will continue to be managed by the Education Directorate; the Directorate proposes to streamline the processes for 2021.

#### Issues

##### *Ministerial Delegations*

7. It is recommended that the ministerial delegations be updated to reflect the correct position numbers following the recent change in appointment of Registrar of non-government schools and the relevant supervising Deputy Director General.
8. With this agreement, the Directorate will appoint the panels described below to advise you on non-government school registration applications. The decision to renew registration will remain solely with you in your statutory function.



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***Independent school registration renewal panels***

12. The Education Directorate recommends appointing a single panel to report to you on the seven applications made by independent schools for registration renewal. This is instead of appointing seven panels to report separately to you on these applications.
13. The panel will focus on each school's compliance with the conditions of registration (as in previous years) but utilise streamlined evidence of compliance in the form of extended statements of assurance and compliance as the basis of their deliberations.
14. The Directorate proposes that the panel will:
  - a. be chaired by an independent and well-regarded educational leader who is remunerated at a rate commensurate with other professional panels appointed to provide expert advice;
  - b. include two independent school principals as nominated by the Association of Independent Schools ACT and a Government School Principal nominated by the Director General or delegate; and
  - c. be appointed using updated delegations for the appointment of non-government school panels.
15. Should any principal appointee be unable to attend a scheduled meeting, the Directorate proposes that the panel chair will approve a written proxy from the same or another school in the relevant sector, for that instance.
16. The Directorate proposes to provide the panel chair with:
  - a. the report templates used in 2020 for the purposes of determining how best to report to you on registration applications;
  - b. the completed 2020 reports for the two schools which were renewed for 2021 only due to limited financial viability;
  - c. a risk profile for each applicant school which summarises each school's previous registration application outcomes, current enrolment trends, and school leadership;
  - d. a summary of any issues raised about the school with the Directorate;
  - e. the financial viability summary (as based on independent assessments by Corporate Scorecard) as cleared by the Directorate's Chief Financial Officer;
  - f. the Board of Senior Secondary Studies (BSSS) compliance assessment for schools offering the ACT Year 12 certificate;
  - g. a copy of all other information provided by the school as evidence of compliance with the conditions of registration;
  - h. a copy of all other information provided by the school as evidence of processes undertaken by the school to ensure ongoing compliance with the conditions of registration; and

## OFFICIAL

- i. any other information requested by the panel chair, in deliberation with the panel, for the purposes of the panel's consideration.
17. The chair and panel members will be asked to sign relevant documents to fulfill their role, including a document that sets out the statutory role and criteria informing their reports. The intent of this document is to ensure the panel remains focussed on the criteria.
18. The Directorate proposes that the single panel appointed to report to you on the seven applications made by independent schools for registration renewal be chaired by [REDACTED]
19. [REDACTED]

### Financial Implications

20. The cost of remunerating the panel chair for the independent school registration panel is able to be met within the 2020–2021 administrative budget for non-government school regulation.

Table 1 Estimated cost of a remunerated panel chair for 2021

Activity	Number of hours estimated	Cost
Preliminary meeting with Directorate.	1 hour	\$250
Planning / organisational meetings / communication matters – online or face to face with Directorate.	1 x 1 hour 6 x 30 minutes	\$250 \$750
Face-to-face panel meeting in early term 3 to outline the role of the panel, agree to panel's operation, confidentiality and criteria etc.	1.5 hours	\$375
Preparation for final panel meeting (Becoming acquainted with 7 sets of school documentation and 7 risk profiles)	7 x 2 hours	\$3500
Panel meeting(s) to determine if any matters require further investigation by the panel and finalise the panel report for each school.	6 hours	\$1500
If required, <u>up to</u> seven meeting/s of the panel at the relevant school/s to reconcile panel non-alignment or examine issues of concern.	7 x 2 hours	\$3500
Hospitality for panel meeting.		\$100
<b>Total</b>		<b>\$10,225</b>

**Consultation**Internal

21. Nil

Cross Directorate

22. Nil

External

23. The Director, Non-government Education Regulation invited all independent school principals and leadership teams scheduled for registration renewal to meet to discuss the proposed 2021 processes. Four schools<sup>4</sup> accepted this invitation. All four schools articulated support for the proposed streamlined approach to registration renewal for 2021.

24. The Registrar of Non-government schools met with the leadership team of the Association of Independent Schools ACT (AIS) to discuss the proposed 2021 processes.

25. The AIS supports the appointment of [REDACTED] as the panel chair.

26

27

**Work Health and Safety**

28. Nil

**Benefits/Sensitivities**

29. The proposed 2021 processes for independent school registration applications aims for greater consistency in reporting to you against the statutory criteria.

30. The process also aims to avoid conduct observed by Directorate officers, the AIS and independent schools, that panels have ventured into the realms of policy and preferences beyond the statutory criteria.

31. The proposed 2021 process aims to improve the confidence of the community and independent schools in the objectivity of registration renewal.

---

<sup>4</sup> [REDACTED] and Orana Steiner School.

OFFICIAL

**Communications, media and engagement implications**

32. No media interest is anticipated.

Signatory Name: Sean Moysey

Phone:

Action Officer: Lynda Tooth

Phone: 58321

**Attachments**

Attachment	Title
Attachment A	Curriculum Vitae - 2021

**Related files**

Reference number	Title
DOC2019/01260	MIN19 78 ATTACHMENT C - 2013 Signed Brief and Schedule 1 <i>Original located in 2013/03511</i>
REC21/18639	Signed Brief - Appointment of Registrar of non-government schools <i>Original located in File2021/230</i>

**From:** [Wraith, Clementine](#) on behalf of [EDUMCR](#)  
**To:** [NonGovSchools](#)  
**Cc:** [EDUMCR](#)  
**Subject:** FOR ACTION: FILE2021/3441 - MIN CORRO: Orana Steiner school fees - [REDACTED]  
**Date:** Wednesday, 14 July 2021 2:54:39 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[GOVERNMENT & STAKEHOLDER RELATIONS - Customer Service - MIN CORRO Orana Steiner school](#) [REDACTED]  
[tr5](#)

OFFICIAL

Good afternoon,  
 Please action on the attached reference.

Title/Question	MIN CORRO: Orana Steiner school [REDACTED]
Action	1. Immediate action as appropriate 2. Prepare a response to [REDACTED] 3. Prepare background information for the Advisor
Responsibility	Non-Government Education
Response type	Ministerial
TRIM	FILE2021/3441
Date due to DDG	27 July 2021
Date Due to MO	28 July 2021
Clearance	Please refer to the Executive Clearance Protocol document for appropriate clearance levels/drop copy requirements: <a href="#">here</a>
Comment	Please contact <a href="mailto:edumcr@act.gov.au">edumcr@act.gov.au</a> if you have any questions.

Let me know if you have any queries.  
 Kind regards,  
 Clementine

**From:** Metherell, Skye <[Skye.Metherell@act.gov.au](mailto:Skye.Metherell@act.gov.au)> **On Behalf Of** Education DLO  
**Sent:** Wednesday, 14 July 2021 2:44 PM  
**To:** EDUMCR <[EDUMCR@act.gov.au](mailto:EDUMCR@act.gov.au)>  
**Subject:** For Allocation asap please: [REDACTED]

OFFICIAL

Hi Team,  
 This is an independent school, can this please be allocated to Non-Govt team for appropriate action, a ministerial response and some background information on what has occurred?  
 If this could be tasked out asap that would be great. Min response due by 28.7.2021 but would suggest appropriate action be undertaken asap  
 Thanks,  
 Skye

**From:** BERRY <[BERRY@act.gov.au](mailto:BERRY@act.gov.au)>  
**Sent:** Wednesday, 14 July 2021 2:40 PM  
**To:** Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>  
**Cc:** Hobbs, Rebecca <[Rebecca.Hobbs@act.gov.au](mailto:Rebecca.Hobbs@act.gov.au)>  
**Subject** [REDACTED]

Hi Skye  
 Received a call from constituent - [REDACTED]



Thank you

**Harini Walthati** | 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](mailto:berry@act.gov.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:** [Metherell, Skye](#) on behalf of [Education DLO](#)  
**To:** [NonGovSchools](#)  
**Cc:** [EDU, Education and Care, Regulation and Support](#); [EDUMCR](#); [EDU, EDBSD](#); [Education DLO](#)  
**Subject:** RE: For Allocation asap please: [REDACTED]  
**Date:** Tuesday, 20 July 2021 4:23:13 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[FW Website - Contact Form.msg](#)  
[RE \[REDACTED\]](#)

---

OFFICIAL

Hi Lynda & Team,

Please see attached correspondence for your reference, [REDACTED] has contacted the Ministers Office again [REDACTED], is it appropriate/possible for someone to please give [REDACTED] a call to let [REDACTED] know Education Directorate are looking into it?

Happy to take your advice if not appropriate, please let me know.

Thanks,

Skye

---

**From:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>

**Sent:** Monday, 19 July 2021 1:19 PM

**To:** Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>

**Subject:** RE: For Allocation asap please: [REDACTED]

OFFICIAL

Morning Skye

I have made this a priority – as per your request.

It is with Sean now for clearance.

FYI – [REDACTED]

**Regards**

*Lynda*

**Lynda Tooth | Director Non-government Education Regulation**

*(Non-government school registration and regulation; ACT Home Education registration and regulation; and ACT school CRICOS provider regulation).*

Email: [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Phone: +61 2 6205 8321

---

**From:** Metherell, Skye <[Skye.Metherell@act.gov.au](mailto:Skye.Metherell@act.gov.au)> **On Behalf Of** Education DLO

**Sent:** Wednesday, 14 July 2021 2:44 PM

**To:** EDUMCR <[EDUMCR@act.gov.au](mailto:EDUMCR@act.gov.au)>

**Subject:** For Allocation asap please: [REDACTED]

OFFICIAL

Hi Team,

This is an independent school, can this please be allocated to Non-Govt team for appropriate action, a ministerial response and some background information on what has occurred?

If this could be tasked out asap that would be great. Min response due by 28.7.2021 but would suggest appropriate action be undertaken asap

Thanks,

Skye

---

**From:** BERRY <[BERRY@act.gov.au](mailto:BERRY@act.gov.au)>

**Sent:** Wednesday, 14 July 2021 2:40 PM

**To:** Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>

**Cc:** Hobbs, Rebecca <[Rebecca.Hobbs@act.gov.au](mailto:Rebecca.Hobbs@act.gov.au)>

**Subject:** [REDACTED]

Hi Skye

Received a call from constituent – [REDACTED]



Thank you

**Harini Walthati** | 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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**From:** [BERRY](#)  
**To:** [Education DLO](#)  
**Cc:** [Hobbs, Rebecca](#)  
**Subject:** FW: Website - Contact Form  
**Date:** Tuesday, 20 July 2021 1:21:51 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Hi Skye,  
Please see below/ attached correspondence related to Education. For appropriate action please.  
Thank you,  
Harini  
**Harini Walthati** | 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  
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---

**From:** [REDACTED]

**Sent:** Tuesday, 20 July 2021 1:17 PM

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

**Subject:** Website - Contact Form

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments





Created	7/20/2021 3:16:49 AM
Comments	May I please ask someone to call relating to an issue with Orana School in Weston, I have previously made a report verbally with one of your staff members on [REDACTED] [REDACTED] Please Assist, Kind Regards David

**From:** [BERRY](#)  
**To:** [Education DLO](#)  
**Cc:** [Hobbs, Rebecca](#)  
**Subject:** RE: [REDACTED]  
**Date:** Tuesday, 20 July 2021 1:24:48 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Hey Skye

[REDACTED] has called the office and left a voicemail to follow up.

[REDACTED] has also filled out a contact form which I have also forwarded to you.

If someone could please give [REDACTED] a call.

Thank you,

**Harini Walthati** | 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

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---

**From:** BERRY

**Sent:** Wednesday, 14 July 2021 2:40 PM

**To:** Education DLO <EDUDLO@act.gov.au>

**Cc:** Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>

**Subject** [REDACTED]

Hi Skye

Received a call from constituent – [REDACTED]

---

Thank you

**Harini Walthati** | 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

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This record is not released in accordance with Section 17 of the  
*Freedom of Information Act 2016*, Schedule 2, 2.2(a)(ii)



**From:** [NonGovSchools](#)  
**To:** [Education DLO](#); [NonGovSchools](#)  
**Cc:** [EDU, Education and Care, Regulation and Support](#); [EDUMCR](#); [EDU, EDBSD](#)  
**Subject:** RE: For Allocation asap please: [REDACTED]  
**Date:** Friday, 23 July 2021 11:36:40 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

OFFICIAL

Skye

I have drafted a letter to [REDACTED] – it is with the EBM for consideration.  
 We have no powers to intervene [REDACTED] – but I will phone [REDACTED] now.

**Regards**

*Lynda*

**Lynda Tooth | Director Non-government Education Regulation**

*(Non-government school registration and regulation; ACT Home Education registration and regulation; and ACT school CRICOS provider regulation).*

Email: [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Phone: +61 2 6205 8321

**From:** Metherell, Skye <Skye.Metherell@act.gov.au> **On Behalf Of** Education DLO

**Sent:** Tuesday, 20 July 2021 4:23 PM

**To:** NonGovSchools <NonGovSchools@act.gov.au>

**Cc:** EDU, Education and Care, Regulation and Support <EDU.ECRS@act.gov.au>; EDUMCR <EDUMCR@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>; Education DLO <EDUDLO@act.gov.au>

**Subject:** RE: For Allocation asap please: [REDACTED]

OFFICIAL

Hi Lynda & Team,

Please see attached correspondence for your reference, [REDACTED] has contacted the Ministers Office again [REDACTED] is it appropriate/possible for someone to please give [REDACTED] a call to let [REDACTED] know Education Directorate are looking into it?  
 Happy to take your advice if not appropriate, please let me know.

Thanks,

Skye

**From:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>

**Sent:** Monday, 19 July 2021 1:19 PM

**To:** Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>

**Subject:** RE: For Allocation asap please: [REDACTED]

OFFICIAL

Morning Skye

I have made this a priority – as per your request.  
 It is with Sean now for clearance.

**Regards**

*Lynda*

**Lynda Tooth | Director Non-government Education Regulation**

*(Non-government school registration and regulation; ACT Home Education registration and regulation; and ACT school CRICOS provider regulation).*

Email: [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Phone: +61 2 6205 8321

---

**From:** Metherell, Skye <[Skye.Metherell@act.gov.au](mailto:Skye.Metherell@act.gov.au)> **On Behalf Of** Education DLO

**Sent:** Wednesday, 14 July 2021 2:44 PM

**To:** EDUMCR <[EDUMCR@act.gov.au](mailto:EDUMCR@act.gov.au)>

**Subject:** For Allocation asap please: [REDACTED]

OFFICIAL

Hi Team,

This is an independent school, can this please be allocated to Non-Govt team for appropriate action, a ministerial response and some background information on what has occurred?

If this could be tasked out asap that would be great. Min response due by 28.7.2021 but would suggest appropriate action be undertaken asap

Thanks,

Skye

---

**From:** BERRY <[BERRY@act.gov.au](mailto:BERRY@act.gov.au)>

**Sent:** Wednesday, 14 July 2021 2:40 PM

**To:** Education DLO <[EDUDLO@act.gov.au](mailto:EDUDLO@act.gov.au)>

**Cc:** Hobbs, Rebecca <[Rebecca.Hobbs@act.gov.au](mailto:Rebecca.Hobbs@act.gov.au)>

**Subject:** [REDACTED]

Hi Skye

Received a call from constituent – [REDACTED]

[REDACTED]

Thank you

**Harini Walthati** | 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

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**Yvette Berry MLA**  
 Deputy Chief Minister  
 Minister for Early Childhood Development  
 Minister for Education and Youth Affairs  
 Minister for Housing and Suburban Development  
 Minister for Women  
 Minister for the Prevention of Domestic and Family Violence  
 Minister for Sport and Recreation

Member for Ginninderra

Thank you for contacting by office on 14 July 2021 about [REDACTED] at Orana Steiner School (OSS).

I understand that you have discussed your concerns with the Education Directorate and that you are aware that the *Education Act 2004* does not cover matters relating to disputes over [REDACTED].

I also understand that the Directorate provided you with information about education proprietors' requirements to investigate complaints about their schools.

The Directorate has made some enquiries with the Acting Principal of OSS relating to your circumstances. [REDACTED]

The Directorate has made further attempts to discuss this with you to ensure all the facts are understood. I would like to suggest you seek independent legal advice if you remain in disagreement with the school on [REDACTED].

Thank you for raising this matter with me.

Yours sincerely

Yvette Berry MLA  
 Minister for Education and Youth Affairs



**From:** [Efthymiades, Deb](#)  
**To:** [Education DLO](#); [Haire, Katy](#); [Matthews, David](#); [McMahon, Kate](#); [Huxley, Mark](#); [Short, Paul](#); [Oldfield, Meghan](#)  
**Cc:** [EDUMCR](#); [Larkin, Lyn](#); [EGMSDD](#); [DDGEDUoffice](#); [EDU, EDBSD](#); [EGMSloffice](#); [System Policy and Reform Office](#); [DGEDUoffice](#); [Taber, Emma](#); [CFO EDU Office](#); [Moyley, Sean](#)  
**Subject:** RE: MEETING PAPERS: MINSET 2 August 2021 - Additional Items added by MO for noting  
**Date:** Friday, 30 July 2021 5:16:13 PM  
**Attachments:** [image004.jpg](#)  
[image005.png](#)  
[image002.png](#)

## OFFICIAL

Thanks Skyser – across the Orana one – bottom line is we have no levers around [REDACTED] and NGS – of course the family would be welcome to enrol in our public schools

**Deb Efthymiades** | Deputy Director-General System Policy & Reform

**Education** | ACT Government

Phone: +61 2 62059172 | Mobile : 0401 119 411 | Email: [Deb.Efthymiades@act.gov.au](mailto:Deb.Efthymiades@act.gov.au)

220 London Circuit CIVIC ACT | GPO Box 158 Canberra ACT 2601

[www.education.act.gov.au](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [LinkedIn](#) | [Google+](#)



**From:** Metherell, Skye <Skye.Metherell@act.gov.au> **On Behalf Of** Education DLO

**Sent:** Friday, 30 July 2021 5:07 PM

**To:** Education DLO <EDUDLO@act.gov.au>; Haire, Katy <Katy.Haire@act.gov.au>; Matthews, David <David.Matthews@act.gov.au>; McMahon, Kate <Kate.McMahon@act.gov.au>; Huxley, Mark <Mark.Huxley@act.gov.au>; Short, Paul <Paul.Short@act.gov.au>; Efthymiades, Deb <Deb.Efthymiades@act.gov.au>; Oldfield, Meghan <Meghan.Oldfield@act.gov.au>

**Cc:** EDUMCR <EDUMCR@act.gov.au>; Larkin, Lyn <Lyn.Larkin@act.gov.au>; EGMSDD <EGMSDD@act.gov.au>; DDGEDUoffice <DDGEDUoffice@act.gov.au>; EDU, EDBSD <EDBSD.EDU@act.gov.au>; EGMSloffice <EGMSloffice@act.gov.au>; System Policy and Reform Office <SPROffice@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>; Taber, Emma <Emma.Taber@act.gov.au>; CFO EDU Office <CFOEDUOffice@act.gov.au>; Moyley, Sean <Sean.Moyley@act.gov.au>

**Subject:** MEETING PAPERS: MINSET 2 August 2021 - Additional Items added by MO for noting

## OFFICIAL

Good Afternoon Everyone,

**DG Office/DDG SPR** – There is a situation with Orana Steiner School where they are not allowing a child to attend school [REDACTED]. I have given Sean a heads up that this is on the agenda and have attached the Ministerial correspondence and the background dot points kindly actioned by the Non-Govt team for background information. This constituent has called the Ministers office and the office would like to discuss the situation on Monday as it is unusual and there is a potential risk with a child not attending school.

Apologies for the lateness of this I was only just advised of these changes. If you have any queries please don't hesitate to ask.

Thanks,

Skye

Kind Regards,

**Skye Metherell** | Directorate Liaison Officer

| **Education Directorate** | ACT Government

**T: 6213 3313** | E: [skye.metherell@act.gov.au](mailto:skye.metherell@act.gov.au)

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



**Yvette Berry MLA**

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

Member for Ginninderra

[REDACTED]  
[REDACTED]  
[REDACTED]

Thank you for contacting my office on 14 July 2021 about [REDACTED] at Orana Steiner School.

I was sorry to hear that you haven't been able to reach agreement with Orana Steiner School [REDACTED] [REDACTED]. Unfortunately as Minister I am not able to intervene in disputes [REDACTED] for non-government schools.

However, after you contacted my office I asked the Education Directorate to contact Orana Steiner School to enquire about the situation. I am advised that they have offered you [REDACTED] [REDACTED]

One option available to you would be to make a complaint to the proprietor of Orana Steiner School. The *Education Act 2004* requires the proprietor of a non-government school to investigate complaints as soon as practicable. Otherwise, you may wish to seek independent legal advice.

I am sorry that I am not able to be of more assistance in this situation [REDACTED] [REDACTED]. However, if the situation at Orana Steiner School cannot be resolved, I would like to assure you that [REDACTED] would be welcomed at your local public school. If you would like to explore this option, please feel free to contact the Enrolments Telephone Service on 6205 5429.

Thank you again for contacting my office about this issue. I wish you and [REDACTED] all the best.

[REDACTED]

Yvette Berry MLA  
Minister for Education and Youth Affairs  
5/8/2021

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# PANEL REPORT ON APPLICATION FOR REGISTRATION RENEWAL – 2021

## Orana Steiner School

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### Registration Process and Panel Report

Orana Steiner School is registered as an ACT non-government school for the period 1 January 2019 to 31 December 2021 for Kindergarten to Year 12.

Under section (s.) 97 of the *Education Act 2004* (the Act) a panel was appointed to report to the Minister on the school's 2021 application for registration renewal.

The school provided documentation which enabled the panel to develop its report. Due to the emergency health situation experienced during 2021 the panel's report was developed without site visits.

### School Details

Orana Steiner School

Unwin Street Weston ACT 2611

Current registration: Kindergarten – Year 12

Principal: [REDACTED]

Panel Members		
Panel Role	Name	Background
Chair	[REDACTED]	[REDACTED]
Panel Members	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]

---

### Summary of the Panel's Findings

Criteria under s.97 <i>Education Act 2004</i>	Finding
(a) The proprietor of the school remains a corporation.	Corporation status of proprietor confirmed through current entries downloaded from the Australian Securities and Investment Commission register.



<p>(b) (i) The school has appropriate policies, facilities and equipment for the curriculum offered by the school.</p>	<p>A review of the school’s curriculum-related policies indicated the school had developed policies to cover all curriculum elements required under the <i>Education Act 2004</i> (including student reporting requirements); <i>Australian Education Regulations 2013</i> (including reporting requirements); <i>Board of Senior Secondary Students</i> requirements (including mandatory minimum hours, ethical storage and release of assessment data, moderation, review and appeal processes, and participation in ACT Scaling Tests). The panel reviewed sample student reports to confirm that the policies were enacted within the school. The panel was satisfied that the Principal’s description of the facilities and equipment provided by the school, indicated that the school appropriately provided for the curriculum for Kindergarten – Year 12 students.</p>
<p>(ii) The school has the appropriate policies, facilities and equipment for the safety and the welfare of its students.</p>	<p>A review of the school’s safety and welfare-related policies indicated the school had developed policies to cover the safety and welfare elements required under the <i>Education Act 2004</i> (including the requirement for investigating complaints about the school, the maintenance of a register of enrolments and attendance, the conduct of suspensions and exclusions, the use of the Student Transfer Register); and requirements relating to mandatory reporting and reportable conduct. The panel was satisfied that the Principal’s description of the facilities and equipment provided by the school, indicated that the school appropriately provided for the safety and welfare of Kindergarten – Year 12 students.</p>
<p>(c) The curriculum (including the framework of the curriculum and the principles on which the curriculum is based meets the curriculum requirements for students attending government schools.</p>	<p>The panel was satisfied that the Principal’s description of the curriculum provided by the school indicated that the school was aligned with the requirements of the Australian Curriculum. The panel reviewed sample student work and teaching programs to confirm that the material provided to the panel was enacted within the school.</p> <p>The panel was provided with a statement from the Office of the BSSS confirming the school's compliance with requirements relating to the school's delivery of the ACT Senior Secondary Certificate (<a href="#">Attachment 1</a>).</p>
<p>(d) The nature and content of the education offered at the school are appropriate for the</p>	<p>The panel noted that the school provides a varied education suited to the school’s Kindergarten – Year 12 enrolments and consistent with the general principles</p>

educational levels for which the school is registered.	of the <i>Education ACT 2004</i> . The panel also noted that the school provides for the religious nature of the school through a range of co-curricular activities; and fosters student leadership opportunities through the school's camping program, sports house leadership and Duke of Edinburgh Scheme.
(e) The teaching staff are qualified to teach at the educational levels at which they are employed.	The panel noted that the school is aware of its obligations to engage only teachers who have current ACT Teacher Quality Institute registration. The panel is satisfied that the school meets this requirement.
(f) The school has satisfactory processes to monitor quality educational outcomes.	The panel noted that the school defines a quality educational outcome as one that prepares each student for engagement in a democratic society through differentiation, streaming, and individual goal setting informed by each student's strengths and weaknesses. The panel is satisfied that the school's processes are sufficiently responsive and varied to accommodate satisfactorily all styles of learning.
(g) The school is financially viable.	The Education Directorate's Chief Financial Officer advised the panel that the school's financial viability had been confirmed (subject to ongoing Commonwealth and ACT government recurrent funding) and recommended that the school's financial viability be next assessed in 2026.
(h) If the school provides boarding facilities for students enrolled at the school—the school meets the requirements prescribed by regulation for the provision of boarding facilities.	N/A
(i) The school complies with a condition prescribed by regulation.	<i>See below</i>

### ***S.5C Education Regulation 2005 Republished 1 February 2021***

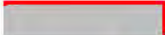

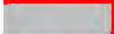
(1) A school must, through a representative of the non-government school sector, work with the Minister to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.	The school provided evidence that it has reviewed its practices in the light of the Royal Commission and has made several changes to school policies, procedures and practices so that the school provides great clarity to staff about how children and young people should be treated; and intentionally develops the resilience of its students to recognise and report behaviour that may result in their compromise.
--	---

**Signatures**

I certify that this report is a true and accurate account of the findings of the Registration panel convened under the *Education Act 2004* (s.97) to report on an application by **Orana Steiner School** for renewal of registration.

  
**Panel Chair**  
**[Date]**  22/11/2021

I acknowledge receipt of the report of the registration panel convened to review the application by **Orana Steiner School** for renewal of registration.

  
 22/11/2021  
  
**Orana Steiner School**  
**[Date]**



## Demonstrating compliance with BSSS requirements for the purpose of school registration

### Orana Steiner School

2021

Evidence was sighted that Orana Steiner School was compliant with BSSS requirements:

- i. The school timetable and calendar reflect the mandatory hours of study for all units and courses.
- ii. School policies and practices ensure student personal and academic records are kept secure and private.
- iii. Policies and procedures for the calculation of units scores, attendance/participation, completion of assessment, late submission of assessment, academic integrity and appeals are communicated to students.
- iv. The moderation and meshing processes used by the school are documented and available to students.
- v. Based on the school's declaration and the information available to the BSSS, the school is compliant with BSSS assessment, moderation, and appeals processes.
- vi. The school participates in system moderation at Moderation Day and acts on feedback.
- vii. The school supports the ACT Scaling test process by providing students with accurate information as to the conduct of the test and special provision process and conducting at least one AST trial for students.
- viii. School policies ensure consistency and equity in the application of special provisions and this process is clearly communicated to students.



AUSTRALIAN CAPITAL TERRITORY  
**BOARD OF SENIOR SECONDARY STUDIES**


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- ix. The school is an active participant in communication with the OBSSS and generally aware of all BSSS policies and updates.

This report was compiled by Mitchell Tummers.

Signature: 

Date: 20 October 2021

Signature: 

Date: 20 October 2021

Martin Watson  
Executive Director  
OBSSS

**From:** [secretary](#)  
**To:** [Tooth, Lynda](#)  
**Subject:** RE: Confidential email to Orana Board Chair re OSS 2022 principal  
**Date:** Tuesday, 11 January 2022 8:13:27 AM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image004.jpg](#)  
[image006.jpg](#)  
**Sensitivity:** Confidential

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**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Morning Lynda,

[Redacted]

Kind regards

[Redacted]

[Orana Steiner School | Unwin Place, Weston ACT 2611 | +61 2 6288 4283](#)

**Outstanding education that lasts a lifetime.**

*Orana Steiner School acknowledges the traditional custodians of the lands and waters where we live and work. We pay our respects to Elders past, present and future.*

cid:image006.jpg@01D78855.7B891CA0



---

**From:** Tooth, Lynda <Lynda.Tooth@act.gov.au>  
**Sent:** Monday, 10 January 2022 4:10 PM  
**To:** secretary <secretary@oranaschool.com>  
**Subject:** RE: Confidential email to Orana Board Chair re OSS 2022 principal  
**Sensitivity:** Confidential

OFFICIAL

Many thanks [Redacted]

One last question – [Redacted]

regards  
*Lynda*

**Lynda Tooth | Director Non-government Education**

*(Non-government school registration and regulation; ACT Home Education registration and*

regulation; and ACT school CRICOS provider regulation).

Phone: +61 2 6205 8321 | [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Education and Care Regulation and Support Branch | Education | ACT Government  
GPO Box 158 CANBERRA ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au)

---

**From:** secretary <[secretary@oranaschool.com](mailto:secretary@oranaschool.com)>  
**Sent:** Monday, 10 January 2022 2:49 PM  
**To:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>  
**Subject:** RE: Confidential email to Orana Board Chair re OSS 2022 principal  
**Sensitivity:** Confidential

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Lynda

TQI Status information for [REDACTED]

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

If you have any further questions, please do not hesitate to contact me.

Kind regards

[REDACTED]

Orana Steiner School | Unwin Place, Weston ACT 2611 | +61 2 6288 4283  
**Outstanding education that lasts a lifetime.**

*Orana Steiner School acknowledges the traditional custodians of the lands and waters where we live and work. We pay our respects to Elders past, present and future.*



---

**From:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>

**Sent:** Monday, 10 January 2022 2:44 PM  
**To:** secretary <[secretary@oranaschool.com](mailto:secretary@oranaschool.com)>  
**Subject:** RE: Confidential email to Orana Board Chair re OSS 2022 principal  
**Sensitivity:** Confidential

OFFICIAL

Thank you [REDACTED]

I would like to receive information regarding the TQI status of the new principal.

regards  
*Lynda*

**Lynda Tooth | Director Non-government Education**

*(Non-government school registration and regulation; ACT Home Education registration and regulation; and ACT school CRICOS provider regulation).*

Phone: +61 2 6205 8321 | [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Education and Care Regulation and Support Branch | Education | ACT Government  
GPO Box 158 CANBERRA ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au)

---

**From:** secretary <[secretary@oranaschool.com](mailto:secretary@oranaschool.com)>  
**Sent:** Monday, 10 January 2022 2:08 PM  
**To:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>  
**Subject:** RE: Confidential email to Orana Board Chair re OSS 2022 principal  
**Sensitivity:** Confidential

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Lynda

I hope this email finds you well.

The Board email address is [Boardchair@oranaschool.com](mailto:Boardchair@oranaschool.com), I will send a copy of your email to our Chair.

[REDACTED] is the incoming Principal for 2022 – [REDACTED] email address is [principal@oranaschool.com](mailto:principal@oranaschool.com)

Do you require [REDACTED] TQI registration number?

Look forward to hearing from you soon.



Kind regards



Orana Steiner School | Unwin Place, Weston ACT 2611 | +61 2 6288 4283

**Outstanding education that lasts a lifetime.**

*Orana Steiner School acknowledges the traditional custodians of the lands and waters where we live and work. We pay our respects to Elders past, present and future.*



---

**From:** Tooth, Lynda <[Lynda.Tooth@act.gov.au](mailto:Lynda.Tooth@act.gov.au)>  
**Sent:** Tuesday, 4 January 2022 12:15 PM  
**To:** secretary <[secretary@oranaschool.com](mailto:secretary@oranaschool.com)>  
**Subject:** Confidential email to Orana Board Chair re OSS 2022 principal  
**Importance:** High  
**Sensitivity:** Confidential

OFFICIAL: Sensitive

Good morning Orana Secretary

I have received a notification that the email address "[board@oranaschool.com](mailto:board@oranaschool.com)" is no longer monitored.

Please forward the following email to the board chair and provide their monitored email address at the earliest opportunity.

regards  
*Lynda*

**Lynda Tooth | Director Non-government Education**

*(Non-government school registration and regulation; ACT Home Education registration and regulation; and ACT school CRICOS provider regulation).*

Phone: +61 2 6205 8321 | [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Education and Care Regulation and Support Branch | Education | ACT Government  
GPO Box 158 CANBERRA ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au)

**From:** Tooth, Lynda  
**Sent:** Wednesday, 22 December 2021 4:30 PM  
**To:** [board@oranaschool.com](mailto:board@oranaschool.com)  
**Subject:** OSS 2022 principal  
**Importance:** High  
**Sensitivity:** Confidential

OFFICIAL: Sensitive

## OSS 2022 principal

As the OSS board would be aware, the principals of ACT non-government schools have a range of legislated responsibilities attached to their appointment.

As I understand [REDACTED] was appointed for the 2021 school year, I would be grateful to receive from the school's governing body information as to whether [REDACTED] is continuing as principal of OSS in 2022.

If [REDACTED] is not continuing, could you please provide the name, contact details, and TQI registration status for the OSS 2022 principal (or Acting principal).

**Regards**

*Lynda*


**Lynda Tooth | Director Non-government Education**

*(Non-government school registration and regulation; ACT Home Education registration and regulation; and ACT school CRICOS provider regulation).*

Email: [lynda.tooth@act.gov.au](mailto:lynda.tooth@act.gov.au)

Phone: +61 2 6205 8321

-----  
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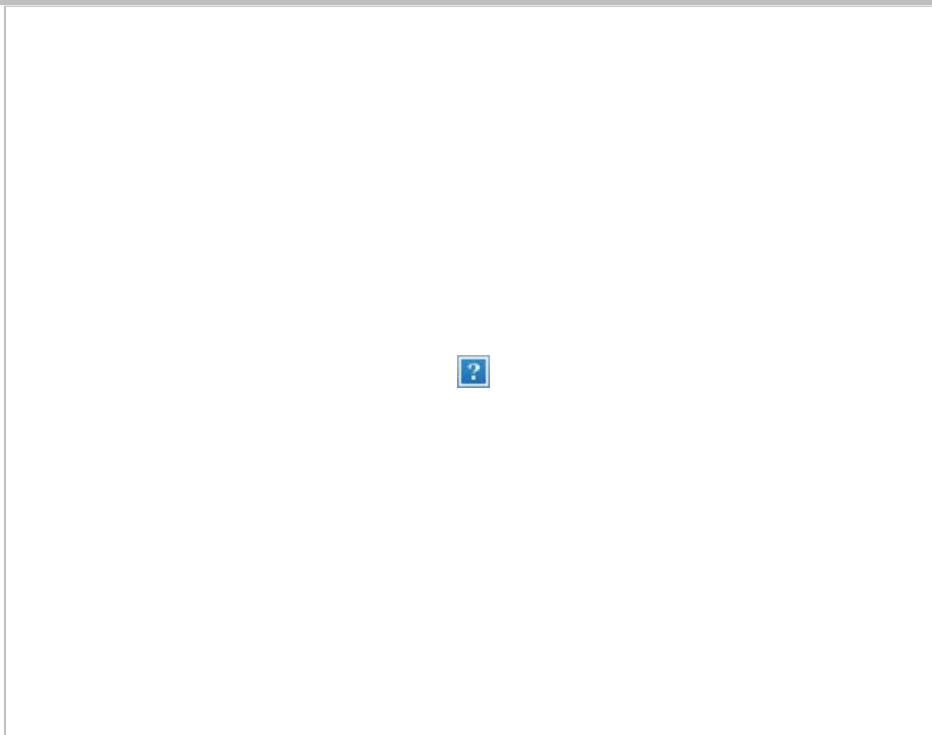
**From:** [Zhu, Xiaoping](#) on behalf of [EDU EGC Secretariat](#)  
**To:** [EDU EGC Secretariat](#); [Haire, Katy](#); [Simmons, Jane](#); [Matthews, David](#); [Efthymiades, Deb](#); [McMahon, Kate](#); [Huxley, Mark](#); [Le, Thao](#); [Moore, Nicole](#); [Cuddihy, Genevieve](#)  
**Cc:** [DGEDUoffice](#); [DDGEDUoffice](#); [System Policy and Reform Office](#); [EGMSDD](#); [EGMSIoffice](#); [EDU, EGMSG](#); [CFO](#)  
[EDU Office](#); [EDU, EBM Governance Branch](#); [HurfordClark, Kirsten](#)  
**Subject:** EGC G&A Meeting Documents - 23 February 2022 (FOR EGC Members)  
**Date:** Thursday, 17 February 2022 3:00:42 PM  
**Attachments:**   
[EGC G&A Meeting Documents - 23 Feb 2022 \(excl. Item 12\).pdf](#)  
[image001.png](#)

---

OFFICIAL: Sensitive

Dear EGC members

This 23 February 2022 EGC G&A meeting will be **via TEAMS**.



Many thanks

Xiaoping

**Xiaoping Zhu**

Phone: 61 2 6205 2432 | Email: [xiaoping.zhu@act.gov.au](mailto:xiaoping.zhu@act.gov.au)

Governance, Policy and Procedure | Education Directorate | ACT Government

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## For-Official-Use-Only

## Non-government school registrations

During the fourth quarter of 2021:

- there were no changes to the number of non-government schools registered to operate in the ACT; and
- the 2021 registration renewal processes for seven independent and six Catholic systemic schools were finalised (as detailed below).

As a result of the 2021 registration renewal processes (which used for the first time an independent remunerated panel chair to develop a report to the Minister on the seven independent school applications for registration renewal) the Minister directed the Registrar of Non-government Schools (FILE2021/5599) to:

1. renew the registration of following independent schools for five years:



Orana Steiner School

**For-Official-Use-Only**

The Non-government Education section recognises the significant contributions made to the success of the 2021 registration renewal program by:

- the independent school panel reporting on seven (7) schools
  - [REDACTED]
- Strategic Finance Branch who facilitated financial viability reports undertaken by *Corporate Scorecard* on the seven (7) applicant independent schools [REDACTED] and
- the Office of the Board of Senior Secondary Studies who reviewed the compliance with the BSSS requirements of [REDACTED] schools and worked with these where required schools to rectify any identified concerns. The Office of the BSSS was able to provide reports indicating satisfactory compliance to the relevant panels of the following schools:

[REDACTED]

- Orana Steiner School;

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [Martinez, Catherine](#) on behalf of [EDU, EGMBSG](#)  
**To:** [Matthews, David](#)  
**Cc:** [EDU, EGMBSG](#)  
**Subject:** FOR INFORMATION: Signed Brief and Letters - FILE2021/6455 - NGS Infrastructure Upgrades Round 4  
**Date:** Thursday, 17 February 2022 4:51:00 PM  
**Attachments:** [Letter - \[REDACTED\].pdf](#)  
[Letter - \[REDACTED\].pdf](#)  
[Letter - \[REDACTED\].pdf](#)  
[Letter - Orana Steiner School.pdf](#)  
[Letter - ACTBGA to EDU Recommended Grant Recipients.PDF](#)  
[Signed Brief - 2022 Round 4 NGSIU Program.pdf](#)  
[ATTACHMENT A - Media Release - Round 4 of the NGSIU Program.DOCX](#)  
[Letter - \[REDACTED\].pdf](#)  
[image001.jpg](#)  
[image002.png](#)

**Importance:** High

OFFICIAL

FYI

**From:** Metherell, Skye <[Skye.Metherell@act.gov.au](mailto:Skye.Metherell@act.gov.au)> **On Behalf Of** Education DLO  
**Sent:** Thursday, 17 February 2022 4:49 PM  
**To:** CFO EDU Office <[CFOEDUOffice@act.gov.au](mailto:CFOEDUOffice@act.gov.au)>; EDU Media <[EDU.Media@act.gov.au](mailto:EDU.Media@act.gov.au)>  
**Cc:** EDU, EGMBSG <[EGMBSG.EDU@act.gov.au](mailto:EGMBSG.EDU@act.gov.au)>; EDUMCR <[EDUMCR@act.gov.au](mailto:EDUMCR@act.gov.au)>; EDU Cabinet Liaison Officer <[EDUCabinet@act.gov.au](mailto:EDUCabinet@act.gov.au)>  
**Subject:** Signed Brief and Letters - FILE2021/6455 - NGS Infrastructure Upgrades Round 4  
**Importance:** High

OFFICIAL

Good afternoon,

Please note the Minister has signed this brief and the associated letters. I will send the letters to the MO for progression now. I've copied in Media team as I note there was a media release in the package.

Ellen - as discussed as I don't have TRIM access at the moment it would be great if you could please save these PDF's in FILE2021/6455 and add a TRIM note: Minister signed brief and letters. DLO sent letters to Mo for progression and line area advised. If you could please complete all the workflow in TRIM as well that would be very appreciated

If you have any queries please don't hesitate to ask.

**Kind Regards,**

**Skye Metherell** | Directorate Liaison Officer

| **Education Directorate** | ACT Government

**T: 6213 3313** | E: [skye.metherell@act.gov.au](mailto:skye.metherell@act.gov.au)

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





**Yvette Berry MLA**  
Deputy Chief Minister  
Minister for Early Childhood Development  
Minister for Education and Youth Affairs  
Minister for Housing and Suburban Development  
Minister for Women  
Minister for the Prevention of Domestic and Family Violence  
Minister for Sport and Recreation

Member for Ginninderra

[REDACTED]  
Orana Steiner School  
[info@oranaschool.com](mailto:info@oranaschool.com)

Dear [REDACTED]

I am pleased to advise you that your school has been successful in the grant application requested under the Round 4 of the ACT Government's Better Schools for Our Kids Program through ACT Block Grant Authority Inc.

Your school will be granted an amount of \$800,000 for the proposed project. The Better Schools for Our Kids Assessment Program Committee saw this as a positive project that will add enormous value to your school.

The ACT Block Grant Authority will be in contact with you for executing the Deed of Grant.

Thank you for your ongoing commitment to education. I look forward to working with you in the future.

Yours sincerely, [REDACTED]

Yvette Berry MLA  
Minister for Education and Youth Affairs  
17/02/2022







Shop 9, 7 O'Hanlon Place  
Nicholls ACT 2913  
ABN: 21 292 628 376

www.actbga.org.au  
admin@actbga.org.au  
Phone: (02) 6285 1808

30 November 2021

Mr Mark Scanes  
Finance and Corporate Support  
ACT Government, Education and Training  
GPO Box 158  
Canberra ACT 2601

**Better Schools for Our Kids:  
Non-Government School Infrastructure Program  
ACTBGA Board Determination for 2022 – Round 4**  
*Confidential*

Dear Mark,

The ACT Block Grant Authority (ACTBGA) thanks the Australian Capital Territory Education Directorate for appointing the ACTBGA to provide the service of delivering the Better Schools for Our Kids: Non-Government School Infrastructure Upgrades Program (BSK).

This letter sets out the determination of the ACTBGA Board regarding projects to be funded in round 4 of the BSK program for the 2022 funding year.

### **Assessment Process**

On 2 June 2021, the ACTBGA called for applications from its participants for the 2022 round. Applications closed on 3 August 2021 and six applications were received.

The BSK Assessment Committee ('the Committee') consists of eight members; with the ACTBGA Board Chair presiding, along with four appointees from Association of Independent Schools of the ACT (AIS) and four appointees from Catholic Education Canberra and Goulburn (CE), as shown in the table below:

The Committee met four times from 23 September to 11 November 2021. All members of the Committee were invited to attend each school visit via video conference, accompanied virtually by the ACTBGA Board Chair and ACTBGA Executive Officer, on 28 September and 1 October 2021.

One Assessment Committee member declared a partial conflict of interest, which was managed in accordance with the ACTBGA's Conflicts of Interest Policy. It is noted that removing the member's priority ranking scores from the collective Committee rankings resulted in all project rankings remaining the same.

Committee members were required to rank projects across five criteria, scoring from 1 to 6 (with 1 being the lowest priority rank and 6 the highest priority), taking into account how great the need for the project is and how well the project would meet this need.

A number of changes to the assessment criteria and ranking were proposed in this round; in particular, inclusion and exclusion of specific assessment criteria to better align with the ACT Government Services Agreement, and introduction of weighting of all assessment criteria. These changes were discussed with the ACTBGA Board at its August 2021 meeting, with the Committee at its initial two meetings, and ultimately agreed to by the Committee at its second and third meetings.

The agreed assessment criteria for the Committee to consider their project rankings and the accepted weighting applied was as follows:

1. 20% - Project provides accessibility of services to disadvantaged groups (incl. low socio-economic status backgrounds, disability, Indigenous and a low-level of English language proficiency).
2. 23% - Project increases enrolment capacity.
3. 23% - Project provides best value for money and contributes to maximisation of funding outcomes.
4. 11% - Readiness of the school to commence construction (project proposal provides confidence in the school's project planning process and ability to meet proposed timelines).
5. 23% - Project improves the amenity of the non-government school in respect of compliance of facilities with government requirements and supporting advances in school pedagogy.

Finance Subcommittee members [redacted] and [redacted], along with independent Finance Subcommittee Chair, [redacted], met three times with the Executive Officer via video conference between 21 September to 29 October 2021, to bring recommendations to the Committee on the financial viability and financial need of each applicant school.

### Available Funding

The available funding for this program is outlined in the table below:

Round 1	Round 2	Round 3	Round 4
2019	2020	2021	2022
\$3,750,000	\$3,521,672	\$3,978,328*	\$3,750,000

\*As the distributions recommended in round 2 did not allocate the full amount of funding, an amount of \$228,328 was rolled over to round 3, in accordance with Schedule 2 – Section 2.7.2(b) of the ACT Government Services Agreement dated 8 November 2018 (contract 2018.SA.2018.001).

### Proposal

The Assessment Committee's funding recommendations to the ACTBGA Board, with projects ranked from most to least meritorious, are summarised in the table following.

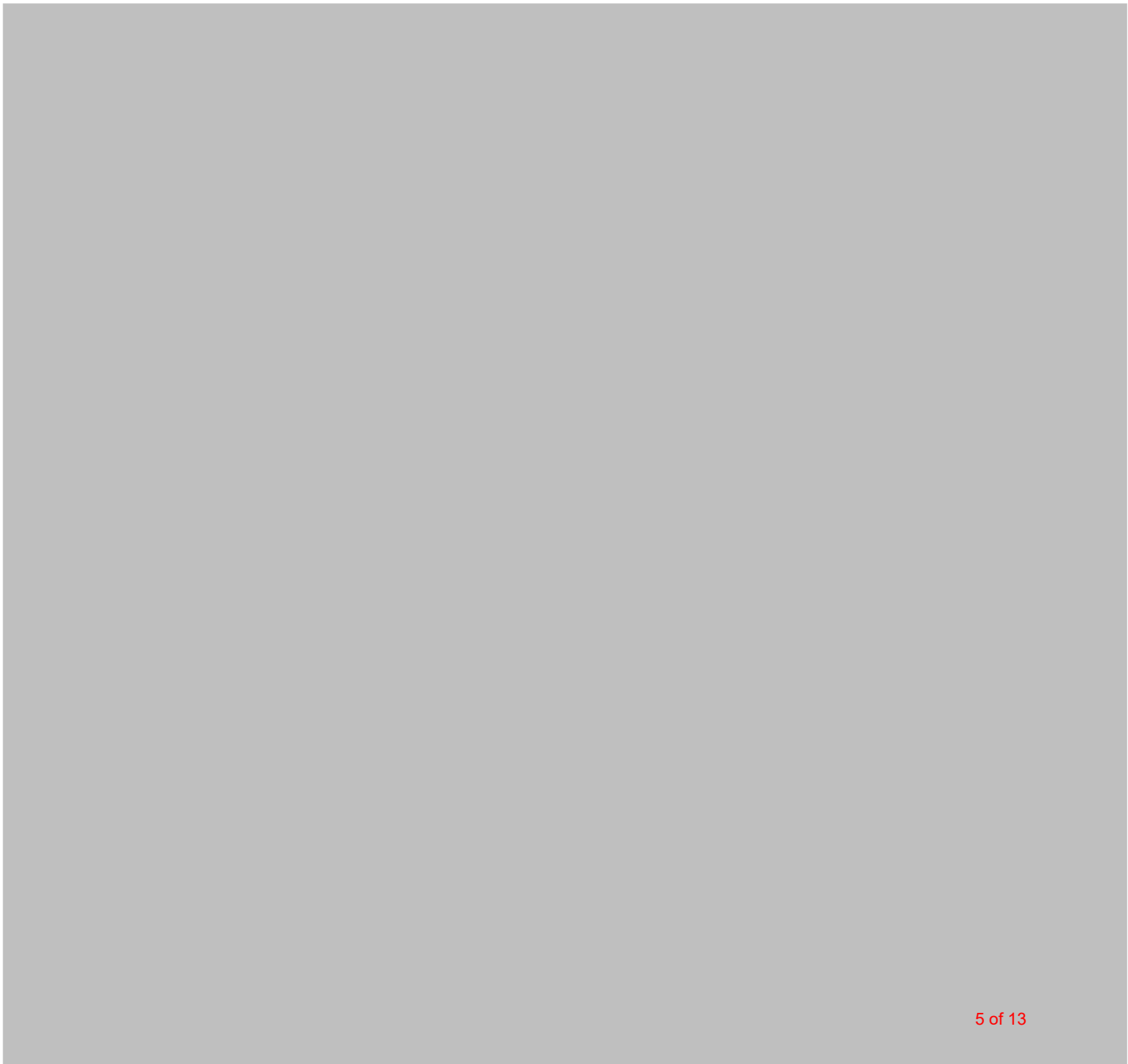
Rank	Score (W)^	Score (T)*	School	Project	TPC	Grant Requested	Grant Recommended
5	48	101	Orana Steiner School	Construction of a music block to accommodate music practice, music performance, teacher workspaces and storage of musical instruments and music scores	\$1,332,673	\$1,000,000	\$800,000
							\$3,750,000

^ Score (W) represents the school's ranking score when weighting is applied to the Committee's collective ranking scores.

\* Score (T) denotes the school's total collective ranking score of the Committee.

### Application Summaries

A summary of each application is provided below.



### Ranked 5th: Orana Steiner School

This project is for the construction of a music block and refurbishment of some existing music teaching spaces to accommodate music practice, music performance, teacher workspaces and storage of musical instruments.

The proposed new building will consist of three small music practice rooms and one larger group practice room with adjacent storage, along with a rehearsal room for ensemble classes and staff office space. The project also encompasses strategic refurbishment of existing school facilities to co-locate the music program and provide connectivity and shelter (by means of a new covered walkway) between music spaces. This reconfiguration/restructure addresses current difficulties with acoustic separation between music and other facilities on campus. The project also includes the removal of existing demountables on site as well as a temporary fit-out of decommissioned art demountables for temporary use during construction.

The project caters to all students across the K-12 school and is needed to replace very old and inadequate demountables, increase the overall number of spaces for music teaching and performance, and renew existing spaces. Additionally, the school reported its current music facilities are no longer suitable in that they do not allow for compliance with supervision requirements.

While the project does not specifically increase enrolments, the Committee considered there was a high need for this project to address the condition and suitability of the school's existing facilities. The Committee agreed that the project is well planned, offers value for money and also sustainability through the refurbishment of existing facilities. It was considered the project allows for improved delivery of the school's curriculum in accordance with its Steiner philosophy, which places a high emphasis on music.

The total project cost is \$1,332,673. The grant sought is \$1,000,000. The school has demonstrated that it is viable and has low forecasted debt per student. It has high cash reserves that are anticipated to reduce over 2022 due to other planned capital works, and the school is intending to borrow to meet its contribution to this project. Based on its forecast cashflow, the Finance Subcommittee considered the school has additional borrowing capacity. The Committee's recommendation for funding towards this project was \$800,000.

## ACTBGA Board Determination

On 23 November 2021, the ACTBGA Board made the following determinations:

1. The ACTBGA Board approved five projects to be funded in the Better Schools for Our Kids 2022 round, as follows:
  - \$500,000 Emmaus Christian School
  - \$1,000,000 St Matthew's Primary School
  - \$450,000 Blue Gum Community School
  - \$1,000,000 Islamic School of Canberra
  - \$800,000 Orana Steiner School

## Services Agreement

In accordance with the Services Agreement (Schedule 2 – Section 2.3) we note the following:

- 2.3.3: This letter advises the Territory of the names of unsuccessful and successful grant recipients.
- 2.3.4: The ACTBGA notified unsuccessful applicants of the outcome on 29 November 2021, within five (5) working days of the ACTBGA Board making the above determination.
- 2.3.5a: We now await your confirmation of receipt of advice that the grant recipients are registered Non-Government Schools within fourteen (14) working days.
- 2.3.5b: We now await the grant recipients to be endorsed by the Minister for Education and Early Childhood Development within fourteen (14) working days.

Please do not hesitate to contact me if you require any further information.

Yours sincerely,

**Education Directorate**

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<b>To:</b>	Minister for Education and Youth Affairs	Tracking No.: FILE2021/6455
<b>Date:</b>	21/12/2021	
<b>From:</b>	Director-General	
<b>Subject:</b>	Non-Government School Infrastructure Program – Round 4 Grant Recipients	
<b>Critical Date:</b>	09/02/2022	
<b>Critical Reason:</b>	To allow the Minister to endorse the successful grant recipients of Round 4 of the Non-Government School Infrastructure Program and for grant payments to be made.	

- DG 07/01/22
- DDG 05/01/22
- EGMBS 05/01/22
- CFO 21/12/21

**Recommendations**

That you:

1. Note the information on the Non-Government School Infrastructure Program contained in this brief;

**Noted / Please Discuss**

2. Agree to endorse the grant recipients recommended by the ACT Block Grant Authority (ACTBGA) Assessment Committee;

**Agreed / Not Agreed / Please Discuss**

3. Agree to the announcement of grant recipients via the media release at Attachment A; and

**Agreed / Not Agreed / Please Discuss**

4. Sign the letters at Attachment B notifying schools of the outcome of Round 4 of the Non-Government School Infrastructure Program.

**Signed / Not Signed / Please Discuss**

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Yvette Berry MLA

...../...../.....

Minister's Office Feedback

**Background**

1. During the 2016 election, ACT Labor committed to allocate infrastructure grant funding of \$15 million over four years for non-government schools.
2. The ACT Block Grant Authority (ACTBGA) has been engaged by the ACT Government to administer the Non-Government School Infrastructure Program (the Program).
3. The first three rounds of the Program have been completed successfully.

**Issues**


4. Round 4 of the Program opened in June 2021 with applications due to the ACTBGA by 3 August 2021. Six applications were received.
5. The ACTBGA provided the Directorate with the list of recommended grant recipients for Round 4 of the Program on Tuesday 30 November 2021. Total grant payments of \$3.750 million are recommended.
6. It is expected that successful grant applicants will be notified in February 2022.
7. A summary of the schools that applied and the Assessment Committee recommendations are listed in the table below:

Rank	Score	Score	School	Project	Total Project Cost	Grant Requested	Grant Recommended
[Redacted]							
5	48	101	Orana Steiner School	Construction of a music block to accommodate music practice, music performance, teacher workspaces and storage of musical instruments and music scores			\$800,000
[Redacted]							

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8. The schools ranked one to five by the Finance Sub-Committee have been recommended by the ACTBGA Board to be funded in Round 4 of the Program.
9. 
10. The letter received from the ACTBGA at Attachment C, provides additional information on the projects and the assessment.
11. Upon your endorsement of the recommended schools, the ACTBGA will liaise with each school and to arrange execution of the Deed of Grant.
12. The Directorate has prepared a media release to announce the successful grant recipients from Round 4 of the Non-Government School Infrastructure Program at Attachment A and a letter to each successful school for your signature at Attachment B.
13. The media release also advises non-government schools when the next round of applications are expected to open based on advice from the ACTBGA.

### **Financial Implications**

14. Nil financial implications. Funding for this Program was allocated through the 2017-18 Budget and the 2021-22 budget allocation is \$3.750 million.

### **Consultation**

#### Internal

15. Communications, Engagement and Government Support Branch has been consulted in the preparation of the media release and this brief.

#### Cross Directorate

16. Nil

#### External

17. The ACTBGA has been consulted throughout the grant process and about the announcement of grant recipients.

### **Work Health and Safety**

18. N/A

### **Benefits/Sensitivities**

19. N/A

### **Communications, media and engagement implications**

20. A media release associated with completion of the Round 4 of the Better Schools for our Kids – Non-Government Infrastructure Upgrades Program is provided at

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Attachment A.

21. Positive media and community attention is expected from the media release.

Signatory Name: Katy Haire Phone: x51958

Action Officer: Thao Le Phone: x73042

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Media Release – Round 4 of the Non-Government School Infrastructure Upgrades Program
Attachment B	Letters to Schools – Notification to Grant Recipients in Round 4 of the Non-Government School Infrastructure Upgrades Program
Attachment C	Letter – ACTBGA to EDU Recommended Grant Recipients

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# Media release

**Yvette Berry** MLA

**Deputy Chief Minister**

Minister for Early Childhood Development

Minister for Education and Youth Affairs

Minister for Housing and Suburban Development

Minister for Women

Minister for the Prevention of Domestic and Family Violence

Minister for Sport and Recreation

Member for Ginninderra

January 2022

## Non-government school upgrades for students with additional needs

The ACT Government will give five ACT non-government schools almost \$4 million this year to undertake infrastructure upgrades to improve access for disadvantaged groups and cater for students with additional needs.

The five schools are

and Orana Steiner School. The funding completes the fourth and final round of the ACT Government's *Better Schools for Our Kids - Non-government School Infrastructure Upgrades Program*, a 2016 election promise.

The infrastructure program is consistent with needs-based funding principles and has delivered \$15 million over four years to support non-government schools with infrastructure or facility upgrades.

This program reinforces the ACT Government's commitment to continually working to improve access to and quality of school facilities in the ACT, which are vital in giving students positive education outcomes.

The ACT Government recognises the importance of such support and has committed a further \$15 million over the next four years to non-government infrastructure upgrades, as announced in the 2021-22 Budget.

The new program will commence in July 2022.

**Media contact:**

**Louise Momber**

**M: 0411 429 607**

**E: [louise.momber@act.gov.au](mailto:louise.momber@act.gov.au)**

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[Yvette\\_berry\\_mla](https://www.instagram.com/Yvette_berry_mla)

**From:** [Zhu, Xiaoping](#) on behalf of [EDU EGC Secretariat](#)  
**To:** [EDU EGC Secretariat](#); [Haire, Katy](#); [Simmons, Jane](#); [Matthews, David](#); [Efthymiades, Deb](#); [McMahon, Kate \(Education\)](#); [Huxley, Mark](#); [Le, Thao](#); [Moore, Nicole](#); [Cuddihy, Genevieve](#)  
**Cc:** [EDU, Director-General Office](#); [DDGEDUoffice](#); [System Policy and Reform Office](#); [EGMSDD](#); [EGMSIoffice](#); [EDU, EGMBSG](#); [CFO EDU Office](#); [EDU, EBM Governance Branch](#); [HurfordClark, Kirsten](#)  
**Subject:** Updated with Item 12 Finance Report: EGC G&A Meeting Documents - 23 February 2022 (FOR EGC Members)  
**Date:** Monday, 21 February 2022 8:41:54 AM  
**Attachments:** [EGC G&A Meeting Documents - 23 Feb 2022.pdf](#)  
  
[image001.png](#)

OFFICIAL: Sensitive

Dear EGC members

Many thanks

Xiaoping

**Xiaoping Zhu**

Phone: 61 2 6205 2432 | Email: [xiaoping.zhu@act.gov.au](mailto:xiaoping.zhu@act.gov.au)

Governance, Policy and Procedure | Education Directorate | ACT Government

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

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**From:** Zhu, Xiaoping <[Xiaoping.Zhu@act.gov.au](mailto:Xiaoping.Zhu@act.gov.au)> **On Behalf Of** EDU EGC Secretariat

**Sent:** Thursday, 17 February 2022 3:01 PM

**To:** EDU EGC Secretariat <[eduegcsecretariat@act.gov.au](mailto:eduegcsecretariat@act.gov.au)>; Haire, Katy <[Katy.Haire@act.gov.au](mailto:Katy.Haire@act.gov.au)>; Simmons, Jane <[Jane.Simmons@act.gov.au](mailto:Jane.Simmons@act.gov.au)>; Matthews, David <[David.Matthews@act.gov.au](mailto:David.Matthews@act.gov.au)>; Efthymiades, Deb <[Deb.Efthymiades@act.gov.au](mailto:Deb.Efthymiades@act.gov.au)>; McMahon, Kate <[Kate.McMahon@act.gov.au](mailto:Kate.McMahon@act.gov.au)>; Huxley, Mark <[Mark.Huxley@act.gov.au](mailto:Mark.Huxley@act.gov.au)>; Le, Thao <[Thao.Le@act.gov.au](mailto:Thao.Le@act.gov.au)>; Moore, Nicole <[Nicole.Moore@act.gov.au](mailto:Nicole.Moore@act.gov.au)>; Cuddihy, Genevieve <[Genevieve.Cuddihy@act.gov.au](mailto:Genevieve.Cuddihy@act.gov.au)>

**Cc:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>; DDGEDUoffice <[DDGEDUoffice@act.gov.au](mailto:DDGEDUoffice@act.gov.au)>; System Policy and Reform Office <[SPROffice@act.gov.au](mailto:SPROffice@act.gov.au)>; EGMSDD <[EGMSDD@act.gov.au](mailto:EGMSDD@act.gov.au)>; EGMSIoffice <[EGMSIoffice@act.gov.au](mailto:EGMSIoffice@act.gov.au)>; EDU, EGMBSG <[EGMBSG.EDU@act.gov.au](mailto:EGMBSG.EDU@act.gov.au)>; CFO EDU Office <[CFOEDUOffice@act.gov.au](mailto:CFOEDUOffice@act.gov.au)>; EDU, EBM Governance Branch <[EDU.EBMGovernance@act.gov.au](mailto:EDU.EBMGovernance@act.gov.au)>; HurfordClark, Kirsten <[Kirsten.HurfordClark@act.gov.au](mailto:Kirsten.HurfordClark@act.gov.au)>

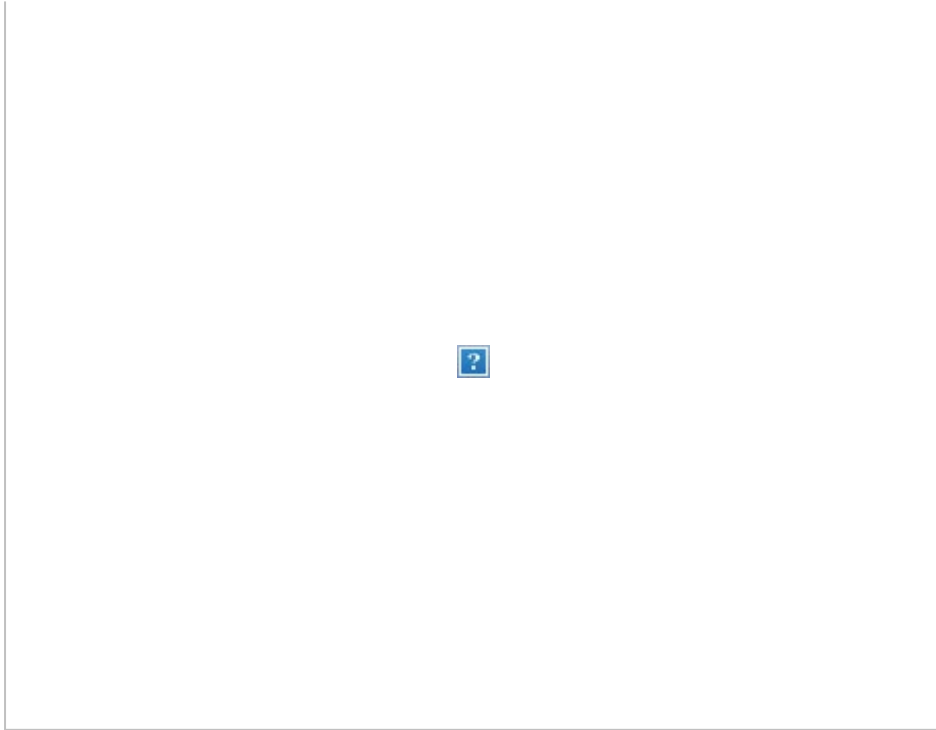
**Subject:** EGC G&A Meeting Documents - 23 February 2022 (FOR EGC Members)

OFFICIAL: Sensitive

Dear EGC members

This 23 February 2022 EGC G&A meeting will be **via TEAMS**.

Please find attached documents for the meeting, noting:



Many thanks

Xiaoping

**Xiaoping Zhu**

Phone: 61 2 6205 2432 | Email: [xiaoping.zhu@act.gov.au](mailto:xiaoping.zhu@act.gov.au)

Governance, Policy and Procedure | Education Directorate | ACT Government

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## Non-government school registrations

During the fourth quarter of 2021:

- there were no changes to the number of non-government schools registered to operate in the ACT; and
- the 2021 registration renewal processes for seven independent and six Catholic systemic schools were finalised (as detailed below).

As a result of the 2021 registration renewal processes (which used for the first time an independent remunerated panel chair to develop a report to the Minister on the seven independent school applications for registration renewal) the Minister directed the Registrar of Non-government Schools (FILE2021/5599) to:

1. renew the registration of following independent schools for five years:

[Redacted]

- Orana Steiner School.

[Redacted]

**For-Official-Use-Only**

The Non-government Education section recognises the significant contributions made to the success of the 2021 registration renewal program by:

- the independent school panel reporting on seven (7) schools

[Redacted]

- Strategic Finance Branch who facilitated financial viability reports undertaken by *Corporate Scorecard* on the seven (7) applicant independent schools [Redacted] and

- the Office of the Board of Senior Secondary Studies who reviewed the compliance with the BSSS requirements of four (4) schools and worked with these where required schools to rectify any identified concerns. The Office of the BSSS was able to provide reports indicating satisfactory compliance to the relevant panels of the following schools:

[Redacted]

- Orana Steiner School; and

[Redacted]

[Redacted]

[Redacted]

**From:** [NonGovSchools](#)  
**To:** [REDACTED]@oranaschool.com  
**Bcc:** [Education Legislation Review](#)  
**Subject:** Letter to [REDACTED] OSS from ACT Registrar Non-government Schools.pdf  
**Date:** Thursday, 9 June 2022 2:54:00 PM  
**Attachments:** [Letter to Principal OSS from ACT Registrar Non-government Schools.pdf](#)

---

OFFICIAL

Dear [REDACTED]

Please find attached a letter from the Registrar of Non-government Schools.

Office of the Registrar ACT Non-government Schools  
Education and Care Regulation and Support Branch | Education | ACT Government  
GPO Box 158 CANBERRA ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au)





[REDACTED]  
Orana Steiner School

[REDACTED]@oranaschool.com

Dear [REDACTED]

Following the release in 2018 of *Future of Education: An ACT Education Strategy for the Next Ten Years (the Future of Education Strategy)*, the Education Directorate has been consulting with non-government school stakeholders with a view to strengthening equity, student agency, access and inclusion for students in ACT schools and amending legislation relating to the registration and operations of ACT Non-government schools.

On 8 June 2022, the ACT Legislative Assembly passed amendments to the *Education Act 2004* (the Act) and Education Regulations 2005 (the Regulations) through the *Education Amendment Bill 2022* (the Bill). Amendments in the Bill impact both government and non-government schools in the ACT.

A copy of the Amendment Bill can be found on the Legislation Register at: [https://www.legislation.act.gov.au/b/db\\_65838/](https://www.legislation.act.gov.au/b/db_65838/), and a comprehensive overview of the changes is contained within the Explanatory Statements.

### **Amendments that impact all ACT schools**

#### Suspensions, transfers, expulsions, and exclusions

Following the release of the *Interim Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, sections in the Act relating to suspensions, transfers and exclusions were reviewed to provide clarity for when and why schools can undertake these actions and to also provide safeguards for students, including students with disability.

From 20 December 2022, updated provisions will come into effect that relate to:

- suspensions (both government and non-government schools) (Part 2A.2);
- transfers (government schools only) (Part 2A.3);
- expulsions (non-government schools only) (Part 2A.4); and
- exclusions (government and Catholic system schools only) (Part 2A.5).

Amendments made through the Bill include articulating 'unsafe or noncompliant behaviour' as the rationale for enacting a suspension, transfer, expulsion or exclusion (section 17B); the requirement to exhaust all reasonable alternatives before making a

decision to suspend, transfer, expel or exclude (section 17D); and requirements for communicating with parents and students (section 17E).

### Student Movement Register

Following the *Coronial Inquest into the death of Bradyn Stuart Dillon*, it has been identified that student connection with the education system is one way to mitigate the risks associated with multiple movements between schools within a short period of time for vulnerable students and their families.

From 20 December 2022, under new sections 10AA and 10AB all transfers, expulsions, exclusions, unenrolments and contract terminations will be required to be reported through the new Student Movement Register (previously known as the Student Transfer Register) within five days of occurrence.

Amendments to the Regulations (new section 2AA) outlines the information prescribed to be entered into the Student Movement Register.

Oversight and monitoring of the Student Movement Register will be the responsibility of the Education Directorate, including following up students of compulsory education age who have not re-enrolled at a new school or education provider, or registered for home education. This is to ensure all children and young people in the ACT are connected with schools or are registered for home education, and the protective factors that this connection brings.

### **Amendments that impact ACT non-government schools**

As you are aware before a non-government school in the ACT can commence its operations it must receive in-principle approval to apply for provisional registration and at least 12 months later apply for registration. Once registered the school must seek registration renewal every five years and before it can expand its operations (through an additional campus or additional educational levels) it must receive additional in-principle approval in order to apply for registration of the changed operations.

The ACT Government recognises that the multiple steps required to establish or expand a school, and then renew its registration creates an administrative burden for non-government schools and detracts from your core business — educating children and young people.

### A reduction in registration steps

From 20 December 2022 the following registration steps will no longer be required:

- provisional registration for beginning schools
- in-principle approval in order to apply for registration of an established school at an additional campus or additional educational levels; and
- registration renewal.

This means that all ACT non-government schools who are registered as at 19 December 2022 will transition automatically to ongoing registration.

## New regulatory framework

Following a comprehensive update to Chapter 4 of the Act, a new regulatory framework has been developed in consultation with key stakeholders, including the Association of Independent Schools of the ACT (AIS), Catholic Education, Canberra and Goulburn (CECG), the Independent Education Union and the Association of Parents and Friends of ACT Schools Inc.

From 20 December 2022, Non-government School Registration Standards (the Registration Standards) will replace the conditions of registration as stated in s91 of the Act. The Registration Standards cover four key areas of governance, educational courses and educational programs, safety and welfare, and other operational requirements.

To oversee the Registration Standards and the regulatory framework which will support the standards, a Registration Standards Advisory Board (the Board) will be appointed. Appointed members of the Board will have appropriate experience and expertise to provide advice on matters relating to the Registration Standards. Day-to-day administrative functions related to registration will remain with the Education Directorate, through the Registrar of non-government schools.

Before the end of each calendar year, the Registrar, in consultation with the Board, will prepare a program for registration reviews for the next calendar year. The program for the reviews will outline the registered schools to be reviewed during the year and the areas of focus for registration reviews. In addition to a program of risk-based reviews, reviews can also be conducted after a concern is raised about a school's compliance with the Act.

*Registration Standards Guidelines* and *Registration Review Guidelines* will be developed in collaboration with the Registration Standards Advisory Board and non-government schools. These guidelines will outline how schools can demonstrate they are meeting the registration standards, as well as how registration reviews and subsequent actions will be implemented.

These amendments aim to reduce the administrative burden associated with multiple registration and renewal steps; and provide the community with confidence that a strong set of Registration Standards and the advice of a Board comprised of members with appropriate experience and expertise support the education provided by the ACT non-government school sector.

## **Support for ACT non-government schools**

We will be supporting your move to the new regulatory model by:

- providing you with a paper that provides a comprehensive overview of the changes to the Act and their associated impacts; and
- inviting you to join small group online briefing sessions in:
  - 2022 to talk through the changes made by the Bill; and
  - 2023 to learn about the guidelines that will be developed over the coming months.

If you have any questions, please do not hesitate to me on 6207 2143 or [sean.moysey@act.gov.au](mailto:sean.moysey@act.gov.au).

Yours sincerely



Sean Moysey  
Registrar, Non-government Schools  
ACT Government  
9 June 2022