

**Violante, Victor**

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**From:** Violante, Victor  
**Sent:** Tuesday, 14 May 2013 7:29 AM  
**To:** Burch, Joy  
**Cc:** Tardif, Phillip  
**Subject:** School approvals

This goes back to 2008 re approvals

Victor Violante

0421 846 201

Sent from my iPad

Begin forwarded message:

**From:** "Emerson, Marc" <[Marc.Emerson@act.gov.au](mailto:Marc.Emerson@act.gov.au)>  
**Date:** 7 May 2013 4:47:54 PM AEST  
**To:** "Violante, Victor" <[Victor.Violante@act.gov.au](mailto:Victor.Violante@act.gov.au)>  
**Subject:** FW: In Principal Approval - for clearance by 4:30

Marc Emerson | Adviser - Education and Training  
Office of Minister Joy Burch MLA  
Member for Brindabella  
ACT Minister for Education and Training | ACT Minister for Disability, Children and Young People | ACT  
Minister for Multicultural Affairs | ACT Minister for Women | ACT Minister for Gaming and Racing | ACT  
Minister for Arts |  
P: (02) 6205 0559 | E: [marc.emerson@act.gov.au](mailto:marc.emerson@act.gov.au)

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**From:** Cuzner, Jane  
**Sent:** Tuesday, 7 May 2013 4:47 PM  
**To:** Emerson, Marc  
**Cc:** Groves, Ellen  
**Subject:** FW: In Principal Approval - for clearance by 4:30

Jane Cuzner | Manager  
Phone: 6205 9164 | Fax: 6205 5425 | Email: [jane.cuzner@act.gov.au](mailto:jane.cuzner@act.gov.au)  
Ministerial and Commonwealth Relations | Education and Training | ACT Government  
Level 6 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** Tooth, Lynda  
**Sent:** Tuesday, 7 May 2013 4:22 PM  
**To:** Huxley, Mark  
**Subject:** In Principal Approval - for clearance by 4:30

**1: How many application for in-principle approval do we receive in a year, i.e. was 4 a lot?**  
**Answer-** on average 1-2 applications for in-principle approval of new non-government schools are received each year.

**2: If four is out of the ordinary, why was 2012 exceptional?**

**Answer:** In 2012 only three applications were received; but four approved. One was received late in 2011 and approved in 2012.

This number is not exceptional; but is in response to the current population growth in both Gungahlin and the ACT's Islamic community; the continuing demand for non-government education within the ACT community and the development of the new Molonglo area which will bring further population growth or relocation.

**3: List the 2012 applications for in-principle approval under headings as follows:****Answer:**

During 2008-2013 9 applications for in-principle approval for non-government schools were received.

**New schools**

- One new school

**New Campuses**

- Five additional campuses

**New Year Levels**

- Three additional educational levels

One application was withdrawn.

Eight applications were approved, but one application was re-submitted when environmental factors meant that no areas in East Gungahlin were available for use as an additional campus.

**Applications for in-principle approval received 2008-May 2013****2008**

1. Brindabella Christian College for registration at additional educational levels (years 11&12)
2. Good Shepherd Primary School for an additional (primary) campus in Harrison

**2009-** No applications received

**2010** - Good Shepherd Primary School for an additional (secondary) campus in East Gungahlin

**2011**

1. Canberra Christian School for an additional campus – Molonglo (approved 2012)
2. Islamic School of Canberra for additional educational levels (years 9-12) (later withdrawn)

**2012**

1. New schools - At-Taqwa Islamic School for a new school – Gungahlin or Belconnen (approved 2012)
  2. Additional year levels – Nil
  3. Additional campus Brindabella Christian College for an additional campus – Charnwood (approved 2012) and Good Shepherd Primary School for an additional (secondary) campus in Gungahlin (approved 2012)
- NB: Canberra Christian School for an additional campus – Molonglo also approved 2012

**2013** - Good Shepherd Primary School for additional educational levels at the previously approved additional secondary campus (in progress)

regards  
Lynda

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**Lynda Tooth | Manager Liaison Unit**

The Liaison Unit manages the Education and Training Directorate's complaint handling services, Exemption Certificate and Distance Education approvals for ACT resident students, school attendance and participation policies and procedures, ACT Non-government School registration, home education registration for ACT resident students, and CRICOS registration for all ACT schools.

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Information Communications and Governance Branch | Education and Training | ACT

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**From:** Cuzner, Jane

**Sent:** Tuesday, 7 May 2013 3:53 PM

**To:** Huxley, Mark

**Cc:** Tooth, Lynda; Charlton, Michele

**Subject:** FW: In Principal Approval

Hi Mark

Please provide the information requested below asap. It will need to be cleared by Leanne Cover. I can assist with the clearance process if required. I think the questions are:

- How many application for in-principle approval do we receive in a year, i.e. was 4 a lot?
- If four is out of the ordinary, why was 2012 exceptional?
- List the 2012 applications for in-principle approval under headings as follows:  
New schools  
Additional year levels

If you can quickly get together comparatives from other years it would be useful, but note the 4.30 due time.

You can just reply in an email

Thanks

Jane

Jane Cuzner | Manager

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**From:** Emerson, Marc

**Sent:** Tuesday, 7 May 2013 3:45 PM

**To:** Cuzner, Jane

**Cc:** Tooth, Lynda; Tardif, Phillip; Violante, Victor; Garrisson, Joanne

**Subject:** In Principal Approval

Hi Jane,

As expected the AEU are raising the in-principle approval matter through the Canberra Times. We are working on a response based on previous briefs to this office on the process so we have a handle on the general issue I think. What the Canberra times has asked more specifically that I don't know is how many application for in-principle approval do we receive in a year, i.e. was 4 a lot?

If I could get the info ASAP (before 4:30) that would be great, it would be helpful if it could be broken down into in-principal approval for new schools and expansion of year level. Any commentary would be great about why this year may have been exceptional.

Thanks

Marc

Marc Emerson | **Adviser - Education and Training**

**Office of Minister Joy Burch MLA**

Member for Brindabella

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Minister for Multicultural Affairs | ACT Minister for Women | ACT Minister for Gaming and Racing | ACT

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**Violante, Victor**

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**From:** Emerson, Marc  
**Sent:** Wednesday, 8 May 2013 1:10 PM  
**To:** Tardif, Phillip; Burch, Joy; Violante, Victor  
**Subject:** FW: Media release  
**Attachments:** Media Release New Private Schools 2013.docx

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**From:** Glenn Fowler [<mailto:GFowler@aeuact.asn.au>]  
**Sent:** Wednesday, 8 May 2013 1:09 PM  
**To:** Emerson, Marc  
**Subject:** Media release

Cheers

**Glenn Fowler**  
*Secretary*  
Australian Education Union – ACT Branch  
40 Brisbane Avenue Barton ACT 2600  
PO Box 3042 Manuka ACT 2603  
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## **AEU ACT Branch MEDIA RELEASE**

*Strictly embargoed until 5.30am Wednesday 8 May 2013*

### **PUBLIC MUST BE GIVEN THE CHANCE TO DEBATE NEW PRIVATE SCHOOLS**

The Australian Education Union has condemned the secretive process by which new private schools are approved in the ACT and has seriously questioned the wisdom of recent approvals.

In 2012, the AEU ACT Branch made a detailed proposal opposing approval for a new campus of the Canberra Christian School in Molonglo and a new campus of the Brindabella Christian College at Charnwood in West Belconnen. The AEU believes that these applications for new private schools thumbed their noses at their obligations under the Education Act to demonstrate that there is a demand for their school and that the viability of existing schools in the region will not be undermined.

The AEU discovered through a third party in March of this year that a decision to approve the applications was made by the Minister in December 2012 – three months earlier. There has been no public announcement of this decision.

AEU ACT Branch Secretary Glenn Fowler said: "The fact that vast sums of public money will be used to subsidise these private creations means that the public must be informed of the ACT Government's decisions in this regard."

Mr Fowler went on: "The government must explain to the Canberra community how it believes the criteria have been met by these applicants. And it should provide assurances to principals, teachers, parents and community members, particularly in the West Belconnen area, that their schools are not under threat from predatory enrolment-seeking or poaching."

Mr Fowler asked how it can be that we need a new school in West Belconnen when Flynn Primary School was closed in 2006 due to a view that there were too many schools in the region, and the population growth in that area is far lower than the ACT average. Cannibalisation is the only possible outcome.

The Canberra Christian School in Molonglo, as approved, would be operational before a local public school has even been built in that area. Canberra's central west is poised to become the private school capital of

Australia, with Weston Creek currently having five private schools and only four public schools.

Mr Fowler said: "This represents a significant shift in priorities and members of the public should have a genuine say as to whether this is the way they want the ACT to go, especially after a recent OECD report presented empirical evidence to show that increased "school choice" opportunities in two-thirds of OECD countries has exacerbated socio-economic and ethnic segregation of students and resulted in greater inequity."

Mr Fowler said: "If applications as flimsy as this are approved, the question needs to be put to the ACT Government: Under what possible circumstances would an application be rejected?"

**Interviews after 7am with:  
Glenn Fowler  
Branch Secretary  
0403730512**

**Violante, Victor**

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**From:** Violante, Victor  
**Sent:** Wednesday, 8 May 2013 10:25 AM  
**To:** Lisa Mosley  
**Subject:** info

The Education Act 2004 requires a certain process to be followed for the Minister to consider applications for in-principal approval of the development of a new non-government school or additional campus to an existing non-government school.

This process was followed in accordance with the Act by the Minister in the three cases identified by the AEU. The Act provides limited grounds on which the Minister can refuse an application. The Act says:

**84 Deciding in-principle applications**

(1) In deciding whether to give in-principle approval for the provisional registration of a school, the Minister must have regard to—

(a) whether the proposed school would undermine the viability of existing schools; and

(b) whether there is, or is likely to be, demand in the community for the proposed school, including—

(i) any increase, or likely increase, in the number of schoolage children in the area where the school is to be located;

and

(ii) the level of registration of interest shown by the community for the proposed school.

(2) In deciding whether to give in-principle approval for the registration of a school at an additional campus, the Minister must have regard to—

(a) whether the provision of the additional campus by the school would undermine the viability of other existing schools; and

(b) the demand for the additional campus, including the level of registration of interest shown by the community for the proposed provision of the additional campus by the school.

(3) In deciding whether to give in-principle approval for the registration of a school at an additional educational level, the Minister must have regard to—

(a) whether the provision of the additional educational level by the school would undermine the viability of other existing schools; and

(b) the demand for the additional educational level, including the level of registration of interest shown by the community for the proposed provision of the additional educational level by the school.

(4) If the Minister is satisfied after considering the application, and after having regard to any comments made under section 83 (6) and the matters mentioned in subsection (1), (2) or (3), that in-principle approval should be given for the proposed registration, the Minister

must, by written notice, give the person in-principle approval for the proposed application.

(5) If the Minister is not satisfied after considering the application, and after having regard to any comments made under section 83 (6) and the matters mentioned in subsection (1), (2) or (3), that in-principle approval should be given for the proposed registration, the Minister must, by written notice, refuse to give the person in-principle approval for the proposed application.

(6) A notice under subsection (4) or (5) must state the Minister's reasons for giving or refusing to give in-principle approval for the proposed registration.

(7) The director-general must make a copy of the Minister's reasons available for inspection free of charge to the public during ordinary business hours at the office of an administrative unit administered by the director-general.

*(note: this has occurred in the cases we're talking about, and the AEU, SOS and P&C council have exercised this right. They are not available online, however this is just a historical way of doing things)*

(8) An in-principle approval lapses on whichever of the following is later:

- (a) 2 years after the day it is given;
- (b) the proposed opening day.

Victor Violante

**Media Adviser**

**Arts and Multicultural affairs Adviser**

Office of Joy Burch, MLA

*Minister for Education and Training  
Minister for Children and Young People, Disability*

*Minister for Arts*

*Minister for Gaming and Racing  
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**Violante, Victor**

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**From:** Emerson, Marc  
**Sent:** Tuesday, 7 May 2013 4:50 PM  
**To:** Violante, Victor  
**Subject:** RE: response...

Marc Emerson | Adviser - Education and Training

Office of Minister Joy Burch MLA

Member for Brindabella

ACT Minister for Education and Training | ACT Minister for Disability, Children and Young People | ACT Minister for Multicultural Affairs | ACT Minister for Women | ACT Minister for Gaming and Racing | ACT Minister for Arts |

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**From:** Violante, Victor  
**Sent:** Tuesday, 7 May 2013 4:28 PM  
**To:** Emerson, Marc; Tardif, Phillip  
**Subject:** response...

Response:

The Education Act 2004 requires a certain process to be followed for the Minister to consider applications for in-principal approval of the development of a new non-government school or additional campus to an existing non-government school.

This process was followed in accordance with the Act by the Minister in the three cases identified by the AEU. The Act provides limited grounds on which the Minister can refuse an application. The AEU provided the same submission to the three applications.

The AEU submitted the following grounds for refusal of all three applications:

1. The proposed new campus of the Canberra Christian School in Molonglo because it did not provide concrete evidence of potential enrolments and because school infrastructure planning in the region is at an early stage.
2. The proposed new campus of Brindabella Christian College in Charnwood because it did not provide adequate or convincing evidence of potential enrolments and because it would have a significant impact on existing schools in North-West Belconnen, particularly Charnwood Primary School.
3. The proposed new At Tagwa School if it is to be located in Belconnen because it would have a significant impact on existing schools in North-West Belconnen.

The enrolment growth shown in the 2013 Census shows that Government primary schools in the North Belconnen area have seen continued growth in enrolments, up 135 enrolments (3089 across nine schools in 2013, compared with 2946 enrolments in 2012).

School infrastructure planning in Molonglo is well advanced with the ACT government already making plans for a Primary School and High School in the new suburbs in the coming years. The ACT Government has also placed temporary class rooms at Duffy Primary school to cope with the expected growth in enrolments in this area. Groups

seeking in-principle approval are not required to demonstrate enrolments, the Minister however must be satisfied that there is a community interest to support the school. Canberra Christian School is a member of the 7<sup>th</sup> day Adventists schools of Australia and has operated in Canberra for many years.

In relation to the At Taqwa school, Minister Burch made note that the preferred location of such a school would be Gungahlin, given growth in that region and the strong connection the proposing group has in that area.

The ACT Government's firm belief is that the continued growth and community confidence in Government school is achieved through our continued investment in our schools – in quality teachers, and quality infrastructure. It is not achieved by stifling the growth of the non-government sector, and as the 2013 Census results show, in the ACT we are seeing healthy growth in both government and non-government schools. This is clear evidence that providing choice to families does not come at the expense of a high quality public education.

Minister Burch has invited the AEU, P&C Council, and the Non-Government School Education Council to make submissions to her around changes that could be made to the Act to improve transparency in the decision-making process.

Victor Violante

**Media Adviser**

**Arts and Multicultural affairs Adviser**

Office of Joy Burch, MLA

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