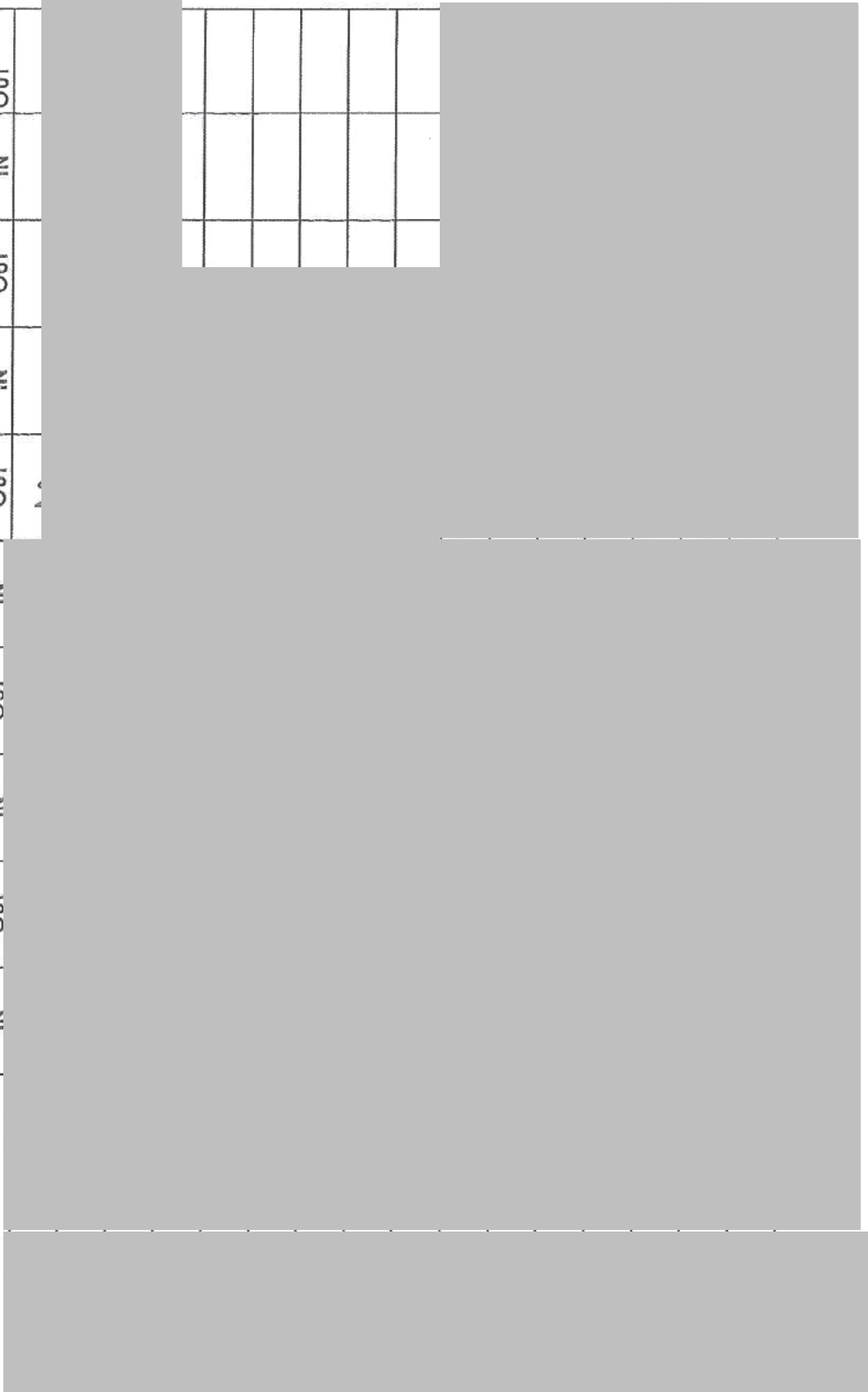


BCC CHARNWOOD STAFF SIGN IN / OUT 2019

| MONDAY | | TUESDAY | | WEDNESDAY | | THURSDAY | | FRIDAY | |
|-----------|-----|-----------|-----|-----------|-----|-----------|-----|-----------|-----|
| 13-May-19 | | 14-May-19 | | 15-May-19 | | 16-May-19 | | 17-May-19 | |
| IN | OUT | IN | OUT | IN | OUT | IN | OUT | IN | OUT |



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Fairburn, Janine

From: Masterman, Tanya
Sent: Wednesday, 5 June 2019 8:35 AM
To: [REDACTED]
Subject: FW: Early Learning Centre - ACT Regulatory Authority interview

UNCLASSIFIED

Dear [REDACTED]

I refer to my email of last Thursday, and my telephone message and email of Monday. Could you please urgently respond to my email to advise of some convenient times for interview at our office at Stirling?

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
GPO Box 158 Canberra ACT 2601
www.education.act.gov.au

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From: Masterman, Tanya
Sent: Monday, 3 June 2019 12:51 PM
To: [REDACTED]
Subject: FW: Early Learning Centre - ACT Regulatory Authority interview

UNCLASSIFIED

Dear [REDACTED]

I refer to my email of last Thursday. Could you please get in touch with me urgently to arrange an appropriate time to attend an interview? I attempted to telephone you at work today but was advised you were not in.

As a **specified person** under the *National Law*, it is compulsory to appear before the Regulatory Authority if required, but we do try and arrange interviews at times which are convenient to witnesses.

I look forward to hearing from you.

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611

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From: Masterman, Tanya
Sent: Thursday, 30 May 2019 3:47 PM
To: [REDACTED]
Subject: Early Learning Centre - ACT Regulatory Authority interview

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer under the *Education and Care Services National Law (National Law)*, which is the law under which the Brindabella Christian College Early Learning Centre – Charnwood operates.

The ACT Regulatory Authority has received a complaint alleging that offences under the *National Law* have occurred at the Early Learning Centre and is conducting a formal investigation.

Please be assured that there is no suggestion of any wrongdoing on your part but I believe you may be able to provide relevant evidence as a witness.

We generally conduct witness interviews at our office in Stirling. Could you please advise your availability to attend an interview, preferably next week?

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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Fairburn, Janine

From: Masterman, Tanya
Sent: Wednesday, 5 June 2019 9:31 AM
To: [REDACTED]
Subject: CECA - Notice for Interview
Attachments: Section 215 Notice to [REDACTED]

UNCLASSIFIED

Dear [REDACTED]

As mentioned in previous emails, I am an Authorised Officer under the *Education and Care Services National Law* and am currently conducting an investigation into a complaint concerning conduct of educators at Brindabella Christian College Early Learning Centre – Charnwood. Information gathered to date indicates that you may have witnessed certain conduct.

discussed by telephone today, please find attached a formal notice under section 215 of the *Education and Care Services National Law* requiring your attendance at an interview at our office on Tuesday 11 June 2019 at 12:30pm.

Please advise if you wish to bring a support person with you. There is ample free parking and I will meet you in the foyer at 12:30pm.

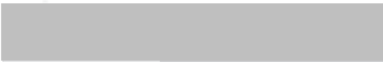
Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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Email:



Dear



**Notice under Section 215 of the *Education and Care Services National Law (ACT) Act 2011* –
Power of Regulatory Authority to obtain information, documents and evidence
by notice from specified person**

This is a notice issued under section 215 of the *Education and Care Services National Law (National Law)*. I have been delegated the powers of the Regulatory Authority under section 215 of the National Law.

Based on evidence I have available to me I am satisfied that there are grounds to suspect that offences have, or may have, been committed at Brindabella Christian College Early Learning Centre - Charnwood SE-00011290 that warrant this notification to be issued.

I believe that you can provide me with information and/or give evidence relevant to a matter currently under investigation.

In order to assist our investigation, and for the purpose of discussing what you may know of the incident and any other associated matters, I require you to attend before me at:

Location: Office of Children's Education and Care Assurance (CECA)
Hedley Beare Centre for Teaching and Learning
51 Fremantle Drive, STIRLING ACT 2611

Date: Tuesday 11 June 2019

Time: 12:30pm

A typed statement will be prepared during the interview and you will be provided with a copy once the investigation is complete.

You may bring a support person to the interview. Any support person should not be anyone who may be involved in the investigation - such as anyone from the service or provider. Please also advise whether you require an interpreter to assist you.

Please be aware that a disclosure of information or provision of documents to the Regulatory Authority pursuant to a request made under section 215(2) of the National Law is defined as a protected disclosure.

Required Warnings under National Law

Please note there are offences for failing to comply with this notice and/or providing false and misleading information:

Pursuant to section 217 of the National Law, a person must not refuse or fail to comply with a requirement under section 215 or 216 to the extent that the person is capable of complying with that requirement.

Penalty: \$8000 in the case of an individual.

Penalty: \$40,000 in any other case.

Pursuant to section 218 of the National law, a person must not obstruct or hinder the Regulatory Authority in exercising a power under section 215 or 216.

Penalty: \$8000 in the case of an individual.

\$40,000 in any other case.

Pursuant to section 219 of the National Law, a person is not excused from complying with a notice or requirement under section 215 or 216 on the ground that complying with the notice or requirement may result in information being provided that might tend to incriminate the person.

Pursuant to section 295 a person must not give the Regulatory Authority or an authorised officer under this Law any information or documents that the person knows is false or misleading.

Penalty: \$6000 in the case of an individual.


\$30,000 in any other case.

Other relevant excerpts of the National Law have been attached to this Notice for your convenience. You can access the complete National Law and Regulations at <http://www.acecqa.gov.au/national-law>.

Please confirm your attendance at the interview and provide details of your support person (if any), by contacting me on (02) 6205 2012.

If you have any queries, concerns or would like clarification in relation to this notice, please contact me.

Yours sincerely


Tanya Wasterman
Senior Investigator
Children's Education and Care Assurance
Early Childhood Regulation
Education Directorate

4 June 2019

Education and Care Services National Law**Section 215: Power of Regulatory Authority to obtain information, documents and evidence by notice**

- (1) This section applies if the Regulatory Authority reasonably suspects that an offence has or may have been committed against this Law.
- (2) The Regulatory Authority may, by written notice, require a specified person—
- (a) to provide to the Regulatory Authority, in writing signed by that person or, if the person is not an individual, by a competent officer of that person, within the time and in the manner specified in the notice, any relevant information that is specified in the notice; or
 - (b) to produce to the Regulatory Authority, or to a person specified in the notice acting on the Regulatory Authority's behalf, in accordance with the notice, any relevant document referred to in the notice; or
 - (c) to appear before the Regulatory Authority, or a person specified in the notice acting on the Regulatory Authority's behalf, at a time and place specified in the notice to give any evidence or to produce any relevant document specified in the notice.
- (3) The notice must—
- (a) warn the person that failure or refusal to comply with the notice would constitute an offence; and
 - (b) warn the person about the effect of sections 217, 218 and 219.
- (4) The Regulatory Authority or the person specified in the notice acting on the Regulatory Authority's behalf may require the evidence referred to in subsection (2)(c) to be given on oath or affirmation and for that purpose may administer an oath or affirmation.
- (5) The person may give evidence under subsection (2)(c) by telephone or video conference or other electronic means unless the Regulatory Authority, on reasonable grounds, requires the person to give that evidence in person.
- (6) In this section, *specified person* has the meaning given in section 206(4).

Protection from reprisal**296 Definitions**

In this Division—*protected disclosure* means a disclosure of information or provision of documents to the Regulatory Authority—

- (a) pursuant to a request under this Law; or
- (b) where the person making the disclosure has a reasonable belief that—
 - (i) an offence against this Law has been or is being committed; or
 - (ii) the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk;

serious detrimental action includes dismissal, involuntary transfer, loss of promotion and demotion.

297 Protection from reprisal

(1) A person must not take serious detrimental action against a person in reprisal for a protected disclosure.

Penalty: \$10 000 in the case of an individual.
 \$50 000 in any other case.

(2) A person takes serious detrimental action in reprisal for a protected disclosure if—

(a) the person takes or threatens to take the action because—

(i) a person has made, or intends to make, a protected disclosure; or

(ii) the person believes that a person has made or intends to make the protected disclosure; or

(b) the person incites or permits another person to take or threaten to take the action for either of those reasons.

(3) In determining whether a person takes serious detrimental action in reprisal, it is irrelevant whether or not a reason referred to in subsection (2) is the only or dominant reason as long as it is a substantial reason.

298 Proceedings for damages for reprisal

(1) A person who takes serious detrimental action against a person in reprisal for a protected disclosure is liable in damages to that person.

(2) The damages may be recovered in proceedings as for a tort in any court of competent jurisdiction.

(3) Any remedy that may be granted by a court with respect to a tort, including exemplary damages, may be granted by a court in proceedings under this section.

(4) The right of a person to bring proceedings for damages does not affect any other right or remedy available to the person arising from the serious detrimental action.

Fairburn, Janine

From: Masterman, Tanya
Sent: Friday, 14 June 2019 10:03 AM
To: [REDACTED]
Subject: Brindabella Christian College ELC Charnwood - CECA - Notice for Witness Interview
Attachments: Section 215 Notice for Interview - [REDACTED].pdf

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer for the ACT Regulatory Authority under the *Education and Care Services National Law*.

We are currently conducting an investigation into alleged incidents at Brindabella Christian College ELC – Charnwood and believe you may be able to provide relevant information as a witness.

Please be assured there is no suggestion that you have done anything wrong; your attendance is required only as a witness.

Please find attached a notice under s 215 of the *National Law*, requiring your attendance at our office for an interview at 12:00pm on Thursday 20 June 2019.

It is next to impossible for us to be flexible with times at the moment, but please contact me as soon as possible if you are unable to attend at that time and I will attempt to reschedule to a mutually convenient date and time.

You are welcome to bring a support person with you if you wish to, as long as that person has no connection with Brindabella Christian Education or Brindabella Christian College.

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
GPO Box 158 Canberra ACT 2601
www.education.act.gov.au

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- you should not copy or use it for any purpose, nor disclose its contents to any other person.



[REDACTED]

Email: [REDACTED]

Dear [REDACTED]

**Notice under Section 215 of the *Education and Care Services National Law (ACT) Act 2011* –
Power of Regulatory Authority to obtain information, documents and evidence
by notice from specified person**

This is a notice issued under section 215 of the *Education and Care Services National Law* (National Law). I have been delegated the powers of the Regulatory Authority under section 215 of the National Law.

Based on evidence I have available to me I am satisfied that there are grounds to suspect that offences have, or may have, been committed at Brindabella Christian College Early Learning Centre Charnwood SE-00011290 that warrant this notification to be issued.

I believe that you can provide me with information and/or give evidence relevant to a matter currently under investigation.

In order to assist our investigation, and for the purpose of discussing what you may know of the incident and any other associated matters, I require you to attend before me at:

Location: Office of Children's Education and Care Assurance (CECA)
Hedley Beare Centre for Teaching and Learning
51 Fremantle Drive, STIRLING ACT 2611

Date: Thursday 20 June 2019

Time: 12:00pm

A typed statement will be prepared during the interview and you will be provided with a copy once the investigation is complete.

You may bring a support person to the interview. Any support person should not be anyone who may be involved in the investigation - such as anyone from the service or provider. Please also advise whether you require an interpreter to assist you.

Please be aware that a disclosure of information or provision of documents to the Regulatory Authority pursuant to a request made under section 215(2) of the National Law is defined as a protected disclosure.

Required Warnings under National Law

Please note there are offences for failing to comply with this notice and/or providing false and misleading information:

Pursuant to section 217 of the National Law, a person must not refuse or fail to comply with a requirement under section 215 or 216 to the extent that the person is capable of complying with that requirement.

Penalty: \$8000 in the case of an individual.

Penalty: \$40,000 in any other case.

Pursuant to section 218 of the National law, a person must not obstruct or hinder the Regulatory Authority in exercising a power under section 215 or 216.

Penalty: \$8000 in the case of an individual.

\$40,000 in any other case.

Pursuant to section 219 of the National Law, a person is not excused from complying with a notice or requirement under section 215 or 216 on the ground that complying with the notice or requirement may result in information being provided that might tend to incriminate the person.

Pursuant to section 295 a person must not give the Regulatory Authority or an authorised officer under this Law any information or documents that the person knows is false or misleading.

Penalty: \$6000 in the case of an individual.

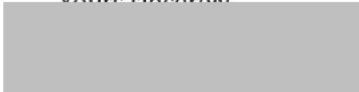
\$30,000 in any other case.

Other relevant excerpts of the National Law have been attached to this Notice for your convenience. You can access the complete National Law and Regulations at <http://www.acecqa.gov.au/national-law>.

Please confirm your attendance at the interview and provide details of your support person (if any), by contacting me on (02) 6205 2012.

If you have any queries, concerns or would like clarification in relation to this notice, please contact me.

Yours sincerely,



Tanya Masterman
Senior Investigator
Children's Education and Care Assurance
Early Childhood Regulation
Education Directorate

14 June 2019

Education and Care Services National Law

Section 215: Power of Regulatory Authority to obtain information, documents and evidence by notice

- (1) This section applies if the Regulatory Authority reasonably suspects that an offence has or may have been committed against this Law.
- (2) The Regulatory Authority may, by written notice, require a specified person—
 - (a) to provide to the Regulatory Authority, in writing signed by that person or, if the person is not an individual, by a competent officer of that person, within the time and in the manner specified in the notice, any relevant information that is specified in the notice; or
 - (b) to produce to the Regulatory Authority, or to a person specified in the notice acting on the Regulatory Authority's behalf, in accordance with the notice, any relevant document referred to in the notice; or
 - (c) to appear before the Regulatory Authority, or a person specified in the notice acting on the Regulatory Authority's behalf, at a time and place specified in the notice to give any evidence or to produce any relevant document specified in the notice.
- (3) The notice must—
 - (a) warn the person that failure or refusal to comply with the notice would constitute an offence; and
 - (b) warn the person about the effect of sections 217, 218 and 219.
- (4) The Regulatory Authority or the person specified in the notice acting on the Regulatory Authority's behalf may require the evidence referred to in subsection (2)(c) to be given on oath or affirmation and for that purpose may administer an oath or affirmation.
- (5) The person may give evidence under subsection (2)(c) by telephone or video conference or other electronic means unless the Regulatory Authority, on reasonable grounds, requires the person to give that evidence in person.
- (6) In this section, *specified person* has the meaning given in section 206(4).

Protection from reprisal

296 Definitions

In this Division—*protected disclosure* means a disclosure of information or provision of documents to the Regulatory Authority—

- (a) pursuant to a request under this Law; or
- (b) where the person making the disclosure has a reasonable belief that—
 - (i) an offence against this Law has been or is being committed; or
 - (ii) the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk;

serious detrimental action includes dismissal, involuntary transfer, loss of promotion and demotion.

297 Protection from reprisal

(1) A person must not take serious detrimental action against a person in reprisal for a protected disclosure.

Penalty: \$10 000 in the case of an individual.
 \$50 000 in any other case.

(2) A person takes serious detrimental action in reprisal for a protected disclosure if—

(a) the person takes or threatens to take the action because—

(i) a person has made, or intends to make, a protected disclosure; or

(ii) the person believes that a person has made or intends to make the protected disclosure; or

(b) the person incites or permits another person to take or threaten to take the action for either of those reasons.

(3) In determining whether a person takes serious detrimental action in reprisal, it is irrelevant whether or not a reason referred to in subsection (2) is the only or dominant reason as long as it is a substantial reason.

298 Proceedings for damages for reprisal

(1) A person who takes serious detrimental action against a person in reprisal for a protected disclosure is liable in damages to that person.

(2) The damages may be recovered in proceedings as for a tort in any court of competent jurisdiction.

(3) Any remedy that may be granted by a court with respect to a tort, including exemplary damages, may be granted by a court in proceedings under this section.

(4) The right of a person to bring proceedings for damages does not affect any other right or remedy available to the person arising from the serious detrimental action.

Fairburn, Janine

From: Masterman, Tanya
Sent: Friday, 14 June 2019 10:08 AM
To: [REDACTED]
Subject: Brindabella Christian College ELC Charnwood - CECA - Notice for Witness Interview
Attachments: Section 215 Notice for Interview - [REDACTED].pdf

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer for the ACT Regulatory Authority under the *Education and Care Services National Law*.

We are currently conducting an investigation into alleged incidents at Brindabella Christian College ELC – Charnwood and believe you may be able to provide relevant information as a witness.

Please be assured there is no suggestion that you have done anything wrong; your attendance is required only as a witness.

Please find attached a notice under s 215 of the *National Law*, requiring your attendance at our office for an interview at 11:30am on Friday, 21 June 2019.

It is next to impossible for us to be flexible with times at the moment, but please contact me as soon as possible if you are unable to attend at that time and I will attempt to reschedule to a mutually convenient date and time.

You are welcome to bring a support person with you if you wish to, as long as that person has no connection with Brindabella Christian Education or Brindabella Christian College.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
 GPO Box 158 Canberra ACT 2601
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[REDACTED]

Email: [REDACTED]

Dear [REDACTED]

**Notice under Section 215 of the *Education and Care Services National Law (ACT) Act 2011* –
Power of Regulatory Authority to obtain information, documents and evidence
by notice from specified person**

This is a notice issued under section 215 of the *Education and Care Services National Law* (National Law). I have been delegated the powers of the Regulatory Authority under section 215 of the National Law.

Based on evidence I have available to me I am satisfied that there are grounds to suspect that offences have, or may have, been committed at [REDACTED] Centre Charnwood SE-00011290 that warrant this notification to be issued.

I believe that you can provide me with information and/or give evidence relevant to a matter currently under investigation.

In order to assist our investigation, and for the purpose of discussing what you may know of the incident and any other associated matters, I require you to attend before me at:

Location: Office of Children's Education and Care Assurance (CECA)
Hedley Beare Centre for Teaching and Learning
51 Fremantle Drive, STIRLING ACT 2611

Date: Friday 21 June 2019

Time: 11:30am

A typed statement will be prepared during the interview and you will be provided with a copy once the investigation is complete.

You may bring a support person to the interview. Any support person should not be anyone who may be involved in the investigation - such as anyone from the service or provider. Please also advise whether you require an interpreter to assist you.

Please be aware that a disclosure of information or provision of documents to the Regulatory Authority pursuant to a request made under section 215(2) of the National Law is defined as a protected disclosure.

Required Warnings under National Law

Please note there are offences for failing to comply with this notice and/or providing false and misleading information:

Pursuant to section 217 of the National Law, a person must not refuse or fail to comply with a requirement under section 215 or 216 to the extent that the person is capable of complying with that requirement.

Penalty: \$8000 in the case of an individual.

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\$40,000 in any other case.

Pursuant to section 219 of the National Law, a person is not excused from complying with a notice or requirement under section 215 or 216 on the ground that complying with the notice or requirement may result in information being provided that might tend to incriminate the person.

Pursuant to section 295 a person must not give the Regulatory Authority or an authorised officer under this Law any information or documents that the person knows is false or misleading.

Penalty: \$6000 in the case of an individual.


\$30,000 in any other case.

Other relevant excerpts of the National Law have been attached to this Notice for your convenience. You can access the complete National Law and Regulations at <http://www.acecqa.gov.au/national-law>.

Please confirm your attendance at the interview and provide details of your support person (if any), by contacting me on (02) 6205 2012.

If you have any queries, concerns or would like clarification in relation to this notice, please contact me.

Yours sincerely


~~Lyns~~ Masterman
Senior Investigator
Children's Education and Care Assurance
Early Childhood Regulation
Education Directorate

14 June 2019

Education and Care Services National Law**Section 215: Power of Regulatory Authority to obtain information, documents and evidence by notice**

- (1) This section applies if the Regulatory Authority reasonably suspects that an offence has or may have been committed against this Law.
- (2) The Regulatory Authority may, by written notice, require a specified person—
 - (a) to provide to the Regulatory Authority, in writing signed by that person or, if the person is not an individual, by a competent officer of that person, within the time and in the manner specified in the notice, any relevant information that is specified in the notice; or
 - (b) to produce to the Regulatory Authority, or to a person specified in the notice acting on the Regulatory Authority's behalf, in accordance with the notice, any relevant document referred to in the notice; or
 - (c) to appear before the Regulatory Authority, or a person specified in the notice acting on the Regulatory Authority's behalf, at a time and place specified in the notice to give any evidence or to produce any relevant document specified in the notice.
- (3) The notice must—
 - (a) warn the person that failure or refusal to comply with the notice would constitute an offence; and
 - (b) warn the person about the effect of sections 217, 218 and 219.
- (4) The Regulatory Authority or the person specified in the notice acting on the Regulatory Authority's behalf may require the evidence referred to in subsection (2)(c) to be given on oath or affirmation and for that purpose may administer an oath or affirmation.
- (5) The person may give evidence under subsection (2)(c) by telephone or video conference or other electronic means unless the Regulatory Authority, on reasonable grounds, requires the person to give that evidence in person.
- (6) In this section, *specified person* has the meaning given in section 206(4).

Protection from reprisal**296 Definitions**

- In this Division—*protected disclosure* means a disclosure of information or provision of documents to the Regulatory Authority—
- (a) pursuant to a request under this Law; or
 - (b) where the person making the disclosure has a reasonable belief that—
 - (i) an offence against this Law has been or is being committed; or
 - (ii) the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk;

serious detrimental action includes dismissal, involuntary transfer, loss of promotion and demotion.

297 Protection from reprisal

(1) A person must not take serious detrimental action against a person in reprisal for a protected disclosure.

Penalty: \$10 000 in the case of an individual.
 \$50 000 in any other case.

(2) A person takes serious detrimental action in reprisal for a protected disclosure if—

(a) the person takes or threatens to take the action because—

(i) a person has made, or intends to make, a protected disclosure; or

(ii) the person believes that a person has made or intends to make the protected disclosure; or

(b) the person incites or permits another person to take or threaten to take the action for either of those reasons.

(3) In determining whether a person takes serious detrimental action in reprisal, it is irrelevant whether or not a reason referred to in subsection (2) is the only or dominant reason as long as it is a substantial reason.

298 Proceedings for damages for reprisal

(1) A person who takes serious detrimental action against a person in reprisal for a protected disclosure is liable in damages to that person.

(2) The damages may be recovered in proceedings as for a tort in any court of competent jurisdiction.

(3) Any remedy that may be granted by a court with respect to a tort, including exemplary damages, may be granted by a court in proceedings under this section.

(4) The right of a person to bring proceedings for damages does not affect any other right or remedy available to the person arising from the serious detrimental action.

Fairburn, Janine

From: [REDACTED]
Sent: Friday, 14 June 2019 4:18 PM
To: Masterman, Tanya
Subject: Re: Brindabella Christian College ELC Charnwood - CECA - Notice for Witness Interview [REDACTED]

Tanya,

Please accept this email as confirmation and acceptance of the meeting requested in the above letter/ notice to myself to attend the Witness Interview with you at the ACT Regulatory Authority office on the 21st of June 2019 at 11:30am.

Regards,

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

From: "Masterman Tanya" <Tanya.Masterman@act.gov.au>

To: [REDACTED]

Cc:

Sent:

Fri, 14 Jun 2019 00:07:30 +0000

Subject:

Brindabella Christian College ELC Charnwood - CECA - Notice for Witness Interview

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer for the ACT Regulatory Authority under the *Education and Care Services National Law*.

We are currently conducting an investigation into alleged incidents at Brindabella Christian College ELC – Charnwood and believe you may be able to provide relevant information as a witness.

Please be assured there is no suggestion that you have done anything wrong; your attendance is required only as a witness.

Please find attached a notice under s 215 of the *National Law*, requiring your attendance at our office for an interview at 11:30am on Friday, 21 June 2019.

It is next to impossible for us to be flexible with times at the moment, but please contact me as soon as possible if you are unable to attend at that time and I will attempt to reschedule to a mutually convenient date and time.

You are welcome to bring a support person with you if you wish to, as long as that person has no connection with Brindabella Christian Education or Brindabella Christian College.

Yours sincerely

Tanya Masterman | Senior Investigator

Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

Early Childhood Policy and Regulation | Education | ACT Government

Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611

GPO Box 158 Canberra ACT 2601

www.education.act.gov.au

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- please notify the sender and delete all copies of this transmission along with any attachments immediately.
- you should not copy or use it for any purpose, nor disclose its contents to any other person.



Investigation Report Case Management

| | |
|--|--|
| Name of service/provider [REDACTED] | |
| Case Number: [REDACTED] | Name of educator: [REDACTED] [REDACTED] |
| Investigator: AO Masterman | Risk Rating: High |
| Date of report: 21 June 2019 | Prepared by: AO Masterman |
| Breach/s Section: Sections 166, 167 | |

A. Summary

Affected Party/s [parties being investigated]

Name of Approved Provider: [REDACTED]

Approved Provider Number: [REDACTED]

Business Address: [REDACTED]

Education and Care Service Address: [REDACTED]

Name of Nominated Supervisors: [REDACTED]

Name of Educator: [REDACTED]

Background

1. On 14 May 2019 at approximately 1:30pm, a direct complaint was received by CECA by telephone from [REDACTED] about incidents [REDACTED] had witnessed during [REDACTED] at the Service that morning involving threats being made to children and forcefeeding of a child. A direct complaint form was sent by email and returned that afternoon at 2:57pm. [REDACTED]
2. On 20 May, 2019, the complaint was taken to Triage and Risk Assessment, where a decision was made to conduct an investigation. It is noted that the risk assessment focussed on harms, hazards and governance with a risk rating of High in this instance. Suspected offences were noted against section 166 and 167 of the Law.

Refer [Attachment A](#) – Initial Notification



Allegation

The allegation/s being investigated are:

1. On 14 May 2019, [REDACTED] told a child, [REDACTED] "you've been feral today" when [REDACTED] was rolling around during library time;
2. On 14 May 2019 [REDACTED] told [REDACTED] on two occasions words to the effect of "if you don't stop being naughty I'll send you somewhere else and you won't be able to come back here or see your mummy or daddy again."
3. On 14 May 2019, when lunch was being served and [REDACTED] was laying in [REDACTED] bed, [REDACTED] got [REDACTED] out of bed and dragged [REDACTED] to the table, while [REDACTED] was crying and yelling that [REDACTED] wants to go bed. [REDACTED] went back to [REDACTED] bed and [REDACTED] dragged [REDACTED] back to the table, with [REDACTED] crying and yelling that [REDACTED] wanted to go to bed.
4. On 14 May 2019, when [REDACTED] was crying at the lunch table and wanted to go to bed, [REDACTED] took a spoonful of [REDACTED] lunch and put it in [REDACTED] mouth when [REDACTED] was yelling, then held [REDACTED] chin to close [REDACTED] mouth, and held [REDACTED] arms down when [REDACTED] tried to push [REDACTED] hands away.
5. The Provider has failed to take reasonable steps to ensure that the staff record and working directly with children records are accurate.
6. The Provider has failed to take reasonable steps to ensure that policies and procedures are followed by staff members, in particular Interactions with Children Policy and Sleeping and Rest Requirements Policy.

Relevant Legislation

166 Offence to use inappropriate discipline

- (1) The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to—
 - (a) any form of corporal punishment; or
 - (b) any discipline that is unreasonable in the circumstances.
 Penalty: \$10 000, in the case of an individual.
 \$50 000, in any other case.
- (2) The nominated supervisor of an education and care service must ensure that no child being educated and cared for by the service is subjected to—
 - (a) any form of corporal punishment; or
 - (b) any discipline that is unreasonable in the circumstances.
 Penalty: \$10 000.



(3) A staff member of, or a volunteer at, an education and care service must not subject any child being educated and cared for by the service to—

- (a) any form of corporal punishment; or
- (b) any discipline that is unreasonable in the circumstances.

Penalty: \$10 000.

167 Offence relating to protection of children from harm and hazards

(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Penalty: \$10 000, in the case of an individual.

\$50 000, in any other case.

(2) A nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Penalty: \$10 000.

Regulations

155 Interactions with children

An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that—

- (a) encourages the children to express themselves and their opinions; and
- (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and
- (c) maintains at all times the dignity and rights of each child; and
- (d) gives each child positive guidance and encouragement toward acceptable behaviour; and
- (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.

170 Policies and procedures to be followed

(1) The approved provider of a centre-based service must take reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.

Penalty: \$1000.

177 Prescribed enrolment and other documents to be kept by approved provider

(1) For the purposes of section 175(1) of the Law, the following documents are prescribed in relation to each education and care service operated by the approved provider—



- (e) in the case of a centre-based service, a staff record as set out in regulation 145;
- (h) in the case of a centre-based service, a record of educators working directly with children as set out in regulation 151;
- (2) The approved provider of the education and care service must take reasonable steps to ensure the documents referred to in subregulation (1) are accurate.
Penalty: \$2000.

B. Key Parties *Include in chronological or alphabetical order*

| Name | Relationship to investigation | Evidence obtained |
|------------|-------------------------------|-----------------------|
| [REDACTED] | [REDACTED] | Section 215 Statement |
| [REDACTED] | [REDACTED] | Section 215 Statement |
| [REDACTED] | [REDACTED] | Section 215 Statement |
| [REDACTED] | [REDACTED] | Section 215 Statement |
| [REDACTED] | [REDACTED] | Section 215 Statement |

C. Investigation Conducted

1. On 21 and 22 May 2019 email were exchanged with [REDACTED] to arrange an interview. Refer [Attachment B](#) – Emails Masterman to [REDACTED]
2. On 23 May 2019:
 - a. a notice allowable under section 215 was delivered to [REDACTED] requiring [REDACTED] to attend an interview on 24 May 2019 with prior agreement;
 - b. a notice, allowable under section 215 was delivered to the Provider (PMC [REDACTED] [REDACTED] requiring production of documents by close of business on 28 May 2019;
 - c. an email was received from the PMC instructing that all correspondence be sent to the [REDACTED] and responded to explaining why that was not appropriate: Refer [Attachment C](#) – emails Masterman and [REDACTED]
3. On 24 May 2019 [REDACTED] appeared before the Authority and provided a statement



under section 215. Refer [Attachment D](#) – Statement [REDACTED]

4. On 28 May 2019, the Provider produced documents required under section 215, within the specified time. Refer:

[Attachment E.1](#) – Working Directly with Children Records

[Attachment E.2](#) – Child Attendance records;

[Attachment E.3](#) – Staff records;

[Attachment E.4](#) – Interactions with Children Policy

[Attachment E.5](#) – Sleep and rest policy

5. Documents provided under section 215 confirmed that, on 14 May 2019:

a. [REDACTED] were working directly with children [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED] was the [REDACTED]

e. [REDACTED] was the [REDACTED]

6. On 29 May 2019:

a. AO Masterman emailed [REDACTED] seeking clarification of staffing, as there were [REDACTED] children in [REDACTED] by 8:45am and WDWC records only showed [REDACTED] educators with no-one providing break cover;

b. [REDACTED] replied stating that [REDACTED] provided cover but had not signed out and in.

Refer [Attachment F](#) – Email exchange Masterman and [REDACTED]

7. On 30 May 2019:

a. AO Masterman emailed the [REDACTED] to obtain details of the [REDACTED] who had been at the Service on 14 May 2019;

b. [REDACTED] advised by email that the [REDACTED]

Refer [Attachment G](#) - email chain Masterman and [REDACTED]

c. A notice allowable under section 215 was sent to [REDACTED] requiring [REDACTED]

attendance for interview on 3 June 2019;

- d. An email was sent to [REDACTED] regarding attending an interview.

Refer [Attachment H](#) - email Masterman to [REDACTED]

8. On 3 June 2019:

- a. [REDACTED] did not attend [REDACTED] scheduled interview;
- b. AO Masterman attempted to telephone and sent an email to [REDACTED]
 Refer [Attachment I](#) - email Masterman and [REDACTED]
- c. AO Masterman attempted to telephone [REDACTED] and sent an email regarding an interview. Refer [Attachment J](#) - Masterman to [REDACTED]
- d. [REDACTED] phoned and said the email address and phone number we have are incorrect – [REDACTED] has a new phone number now. Refer [Attachment K](#) - Phone log Masterman and [REDACTED]
- e. A new notice under section 215 was delivered to [REDACTED] requiring [REDACTED] attendance for interview on 6 June 2019.

9. On 5 June 2019

- a. AO Masterman emailed [REDACTED] regarding an interview.
 Refer [Attachment L](#) - email Masterman to [REDACTED]
- b. [REDACTED] telephoned AO Masterman and advised [REDACTED]
 [REDACTED] A section 215 notice was delivered to [REDACTED] by email requiring [REDACTED] to attend at the arranged time of 11 June 2019 at 12:30.

10. On 6 June 2019, [REDACTED] appeared before the Authority and provided a statement under section 215.

Refer [Attachment M](#) - Statement of [REDACTED]

11. On 11 June 2019, [REDACTED] appeared before the Authority and provided a statement under section 215.

Refer [Attachment N](#) - Statement of [REDACTED]

12. On 14 June 2019:

- a. A notice under section 215 was sent to [REDACTED] requiring [REDACTED] attendance for interview on 20 June 2019 at 12:00pm;
- b. A notice under section 215 was sent to [REDACTED] requiring [REDACTED] attendance for interview on 21 June 2019 at 11:30am;



13. On 20 June 2019, [REDACTED] appeared before the Authority and provided a statement under section 215.

Refer Attachment O – Statement of [REDACTED]

14. On 21 June 2019, [REDACTED] appeared before the Authority and provided a statement under section 215

Refer Attachment P – Statement of [REDACTED]

Allegation One

On 14 May 2019 [REDACTED] told a child, [REDACTED] “you’ve been feral today” when [REDACTED] was rolling around during library time.

Matters not in dispute

- (a) Brindabella Christian Education Pty Ltd is an approved provider;
- (b) Brindabella Christian College ELC Charnwood is an approved service;
- (c) The Service was operational on 14 May 2019;
- (d) [REDACTED] was the [REDACTED] of the Service on 14 May 2019;
- (e) [REDACTED] is a child enrolled in the [REDACTED] and was present on 14 May 2019;
- (f) [REDACTED] is [REDACTED] in the [REDACTED] and was working directly with children on 14 May 2019;
- (g) [REDACTED] in [REDACTED] at the Service on the morning of 14 May 2019;
- (h) [REDACTED] from Brindabella Christian College who [REDACTED] at the Service and was in the [REDACTED] on 14 May 2019.

Evidence relevant to matters in issue





Allegation Two

On 14 May 2019 [REDACTED] told [REDACTED] on two occasions words to the effect of "I'll send you somewhere else and you won't be able to come back here or see your mummy or daddy again."

Matters not in dispute

- (a) Brindabella Christian Education Pty Ltd is an approved provider;
- (b) Brindabella Christian College ELC Charnwood is an approved service;
- (c) The Service was operational on 14 May 2019;
- (d) [REDACTED] was the [REDACTED] of the Service on 14 May 2019;
- (e) [REDACTED] is a child enrolled in the [REDACTED] and was present on 14 May 2019;
- (f) [REDACTED] is [REDACTED] in the [REDACTED] and was working directly with children on 14 May 2019;
- (g) [REDACTED] in [REDACTED] at the Service on the morning of 14 May 2019.

Evidence Relevant to Matters in Dispute

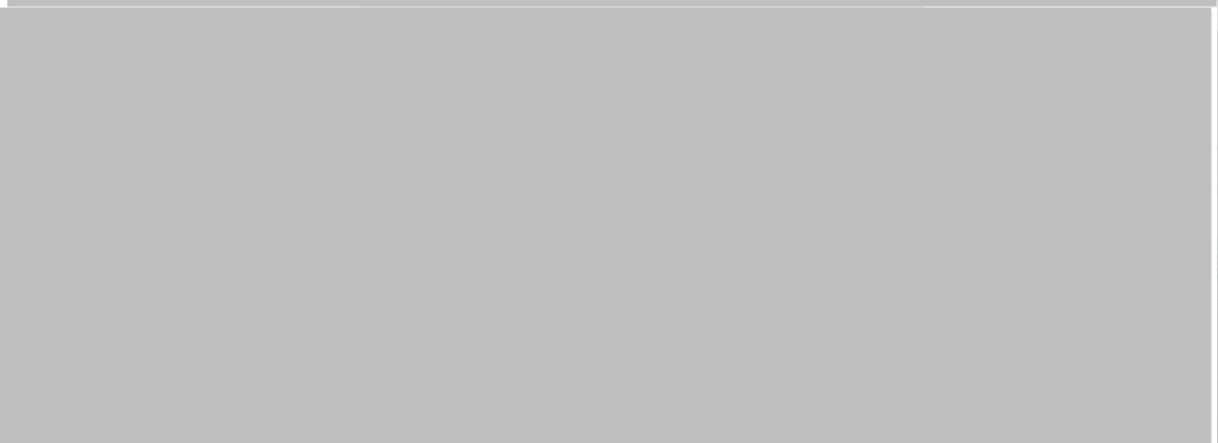
Allegation Three

On 14 May 2019, when lunch was being served and [REDACTED] was laying in [REDACTED] bed, [REDACTED] go [REDACTED] out of bed and dragged [REDACTED] to the table, while [REDACTED] was crying and yelling that [REDACTED] wants to go bed. [REDACTED] went back to [REDACTED] bed and [REDACTED] dragged [REDACTED] back to the table, with [REDACTED] crying and yelling that [REDACTED] wanted to go to bed.

Matters Not in Dispute

- (a) Brindabella Christian Education Pty Ltd is an approved provider;
- (b) Brindabella Christian College ELC Charnwood is an approved service;
- (c) The Service was operational on 14 May 2019;
- (d) [REDACTED] was the [REDACTED] of the Service on 14 May 2019;
- (e) [REDACTED] is a child enrolled in the [REDACTED] and was present on 14 May 2019;
- (f) [REDACTED] is [REDACTED] in the [REDACTED] and was working directly with children on 14 May 2019;
- (g) [REDACTED] in [REDACTED] at the Service on the morning of 14 May 2019.

Evidence Relevant to Matters in Dispute



Working Directly with Children Records indicated [redacted] went on [redacted] break at 12:30pm and no-one replaced [redacted]. However the [redacted] confirmed that [redacted] was in [redacted] covering breaks but did not sign in.

Allegation Four

On 14 May 2019, when [redacted] was crying at the lunch table and wanted to go to bed, [redacted] took a spoonful of [redacted] lunch and put it in [redacted] mouth when [redacted] was yelling, then held [redacted] chin to close [redacted] mouth, and held [redacted] arms down when [redacted] tried to push [redacted] hands away.

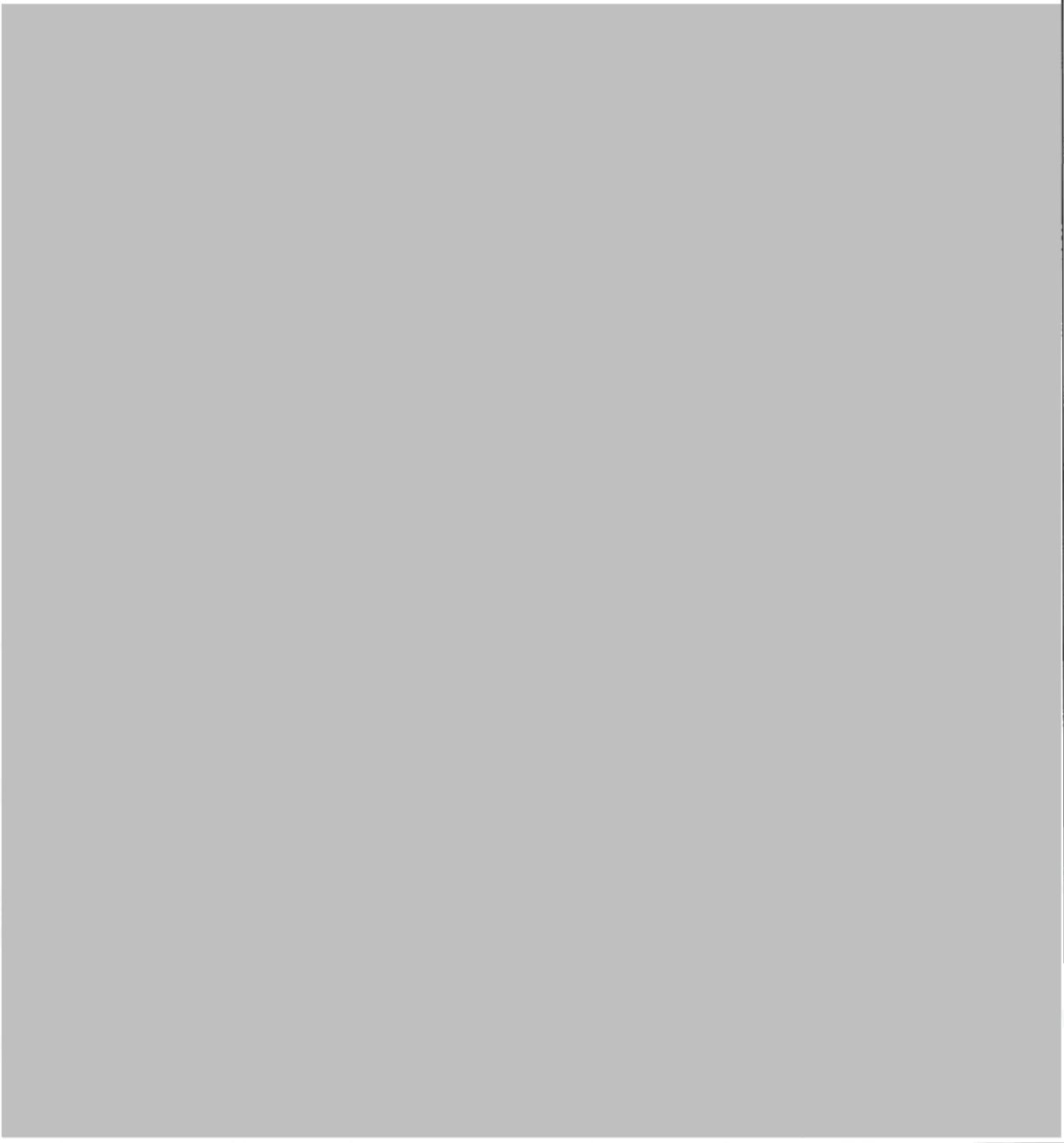
Matters Not in Dispute

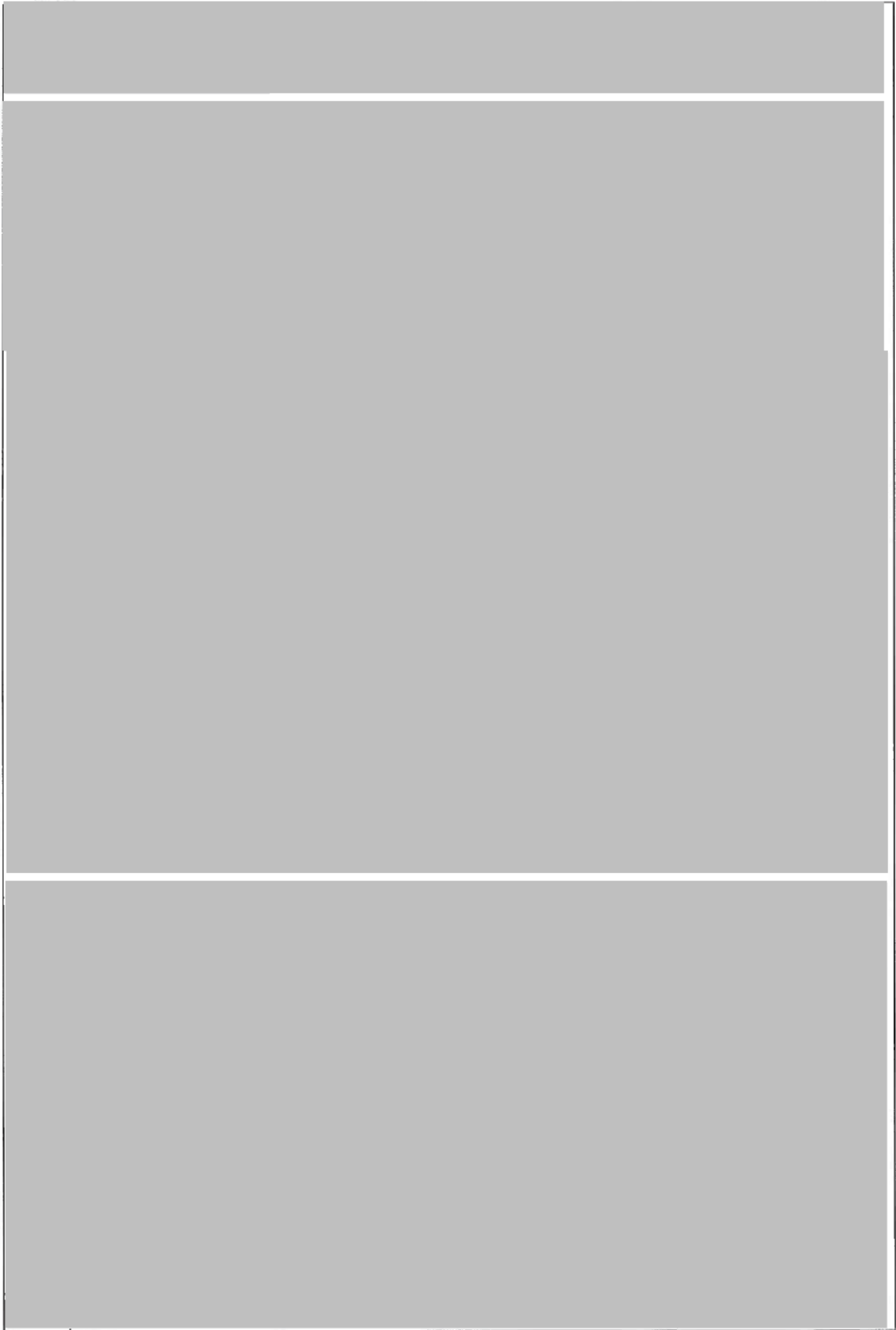
- (a) Brindabella Christian Education Pty Ltd is an approved provider;
- (b) Brindabella Christian College ELC Charnwood is an approved service;
- (c) The Service was operational on 14 May 2019;



- (d) [REDACTED] was the [REDACTED] of the Service on 14 May 2019;
- (e) [REDACTED] is a child enrolled in the [REDACTED] and was present on 14 May 2019;
- (f) [REDACTED] is Lead Educator in the [REDACTED] and was working directly with children on 14 May 2019;
- (g) [REDACTED] in [REDACTED] at the Service on the morning of 14 May 2019.

Evidence Relevant to Matters in Dispute







Allegation Five

The Provider has failed to take reasonable steps to ensure that the staff record and working directly with children records are accurate.

Matters Not in Dispute

- (a) Brindabella Christian Education Pty Ltd is an approved provider;
- (b) Brindabella Christian College ELC Charnwood is an approved service;
- (c) The Service was operational on 14 May 2019.

Evidence Relevant to Matters in Dispute

1. Staff records for [REDACTED] had the incorrect phone number and email address;
2. Staff record for [REDACTED] had the incorrect surname and incorrect address;
3. Working directly with children records were not accurate in that [REDACTED] was WDWC in [REDACTED] on 14 May from approximately 9:45am to 10:45am then from 11:30 to 1:30pm, and was signed into [REDACTED] all day on 15 May 2019, for the same times and same breaks. [REDACTED]

Allegation Six

The Provider has failed to take reasonable steps to ensure that the staff members follow policies and procedures.

Matters Not in Dispute

- (d) Brindabella Christian Education Pty Ltd is an approved provider;
- (e) Brindabella Christian College ELC Charnwood is an approved service;
- (f) The Service was operational on 14 May 2019;
- (g) Sleep and Rest policy states: *"If a child requests a rest, or if they are showing clear signs of tiredness, regardless of the time of day, there should be a comfortable, safe area available for them to rest ... Respond to children's individual cues for sleep (yawning, rubbing eyes, disengagement from activities, crying etc"*
- (h) Interactions with children policy states *"no child is ever isolated for any reason other than illness, accident or pre-arranged appointment with parental consent. During this time they will be under adult supervision"*



Evidence Relevant to Matters in Dispute

1. Corroborated statements refer to a practice of sending children to another room if they were showing unwanted behaviours (statements of [REDACTED]

[REDACTED]

Case Management Recommendation

Evidence is sufficient to establish a prima facie case:

Allegation One – Classified as Inappropriate Interaction – Regulation 155, Section 167:

Provider – Yes, section 167, Regulation 155

Nominated Supervisor – No

Educator – No

Allegation Two – Classified as Inappropriate Discipline – Section 166:

Provider - Yes

Nominated Supervisor – Yes

Educator – Yes

Allegation Three – Classified as Inappropriate Discipline – Section 166:

Provider - Yes

Nominated Supervisor – Yes

Educator – Yes



Allegation Four – Classified as Inappropriate Discipline – Section 166

Provider – Yes

Nominated Supervisor – Yes

Educator – Yes

Allegation Five – Inaccurate Records – Regulation 177

Provider – Yes

Allegation Six – Failure to follow policies, Regulation 170

Provider – Yes

Reasons for recommendation

Noting that:

1. Assistant Director's office is out of earshot of the [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Discipline strategy of moving children to other rooms seemed to have been going on more recently than [REDACTED] stated, [REDACTED] room leader said it only stopped in April 2019.

Recommended Action

Show Causes to Provider, Nominated Supervisor and individual educators. Offences of inappropriate discipline are offences at all levels so should be included in show causes for Provider and Nominated Supervisor as well as to individual educators.

Date: 27 June 2019.

Committee Members:

Radmila Andric, Susan Sullivan, Janine Fairburn, Jessica Annerley, Jo Williams, Tanya Masterman



ACT
Government
Education

Children's Education and Care Assurance

Initial Assessment of Direct Complaint Form

Name of Service: Brimlabella Christian College

Date of Direct Complaint to CECA: ELC Charmwaddi
13/5/19

Complainant's Relationship to Service/Provider: [REDACTED]

NQAITS Reference Number: (if applicable) COM-0004344

Statement of Allegation:

Complaint from [REDACTED]
regarding interactions/inappropriate
discipline in toddler & room,
including force-feeding a
child.

Initial Assessment:

- Does complaint engage provisions of the ECS National Law/Regulations YES / NO
- Is the provider/service aware of the complaint YES / NO
- If yes, has CECA been notified of the complaint by the provider/service YES / NO
- Has reasonable action been taken by the provider/service in response to the complaint (eg service policy/procedures followed) YES / NO
- Is there potential ongoing risk to children or others YES / NO
- Have there been similar complaints about this service in the past 6 months YES / NO
- Is this a Reportable Conduct Matter YES / NO

Priority: Low Medium High

| | Action |
|----------------|--|
| <u>13/5/19</u> | <u>Recommend triage - suspected offences under ss 166, 167</u> |
| | |

Recommendation:

1. No Further Action Priority changed to Low on NQAITS
2. Further Action required
3. To be assessed at Triage

Assessed/Recommended by: _____

Approved by: _____

Date closed: _____

Complaint Summary Report

| | |
|---------------------------------------|---|
| Complaint | |
| # | COM-00043441 |
| Complaint Status | In Progress |
| Date Lodged | 13/05/2019 |
| Complaint Details | |
| Created On | 14/05/2019 |
| Priority | 1-High |
| Managing Jurisdiction | ACT |
| Managing Region | |
| Complaint Type | Childrens Health and Safety Leadership and Service Management Relationships with Children |
| Owner | Tanya Masterman |
| Related Entity | |
| Provider ID / Name | |
| Service ID / Trade as Name | SE-00011290 Brindabella Christian College Early Learning Centre Charnwood |
| Certified Supervisor ID / Name | |
| Complainant | |
| Complainant Type | Other |
| Recommendation | |
| Recommendation By | |
| Recommendation Date | |
| Recommendation Notes | |
| Approval | |
| Approved By | |
| Approval Date | |
| Approval Notes | |
| Outcome | |
| Complaint Outcome | |
| Closed Date | |
| Confidential Data | |
| | SHH-00399606 |
| Complainant Contact Details | |
| Complaint Description | |

| | |
|-------------------------------|------------|
| Details of Children or Others | [Redacted] |
| | [Redacted] |
| | [Redacted] |

Notes Total: 0

| Date Created | Subject | Note Text |
|--------------|---------|-----------|
|--------------|---------|-----------|

Investigations Total: 0

| Summary | Investigation Id | Start Date | Finish Date | Status | Priority | Initiated By |
|---------|------------------|------------|-------------|--------|----------|--------------|
|---------|------------------|------------|-------------|--------|----------|--------------|

Activity Total: 0

| Activity ID | Subject | Date Created | Scheduled End | Current Status | Description | Created By |
|-------------|---------|--------------|---------------|----------------|-------------|------------|
|-------------|---------|--------------|---------------|----------------|-------------|------------|



Instructions

This form should be used to lodge a complaint to the ACT Regulatory Authority in circumstances where your complaint alleges possible offences and/or engage a risk to the safety, health and wellbeing of children or a child attending an education and care service.

The completed form should be forwarded to complaintsCECA@act.gov.au

The Authority is obligated to protect personal information in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles contained in the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Information provided in this form would only be shared subject to the information sharing provisions under the relevant Legislation.

Direct Complaint Form - Online

| | |
|---|--|
| Date completing form: | 14 May 2019 |
| Time completing form: | 2:10 |
| Your full name: | [REDACTED] |
| Contact details: (phone and email) | [REDACTED] |
| Service to which the complaint relates? | Brindabella Christian College, Early Learning Centre, Charnwood campus |
| Has the complaint been raised directly with the service? If yes what was the response? If not why? | [REDACTED] |
| Complainant's relationship to the service (how long have you had an association parent/educator for)? | [REDACTED] |
| Date/time of incident/ issue to which the complaint relates. If unknown, approximate timeframes? | 14 of May 2019 between 9am - 12pm. |
| If delay in reporting, reasons for delay? | |
| | |



| | |
|--|------------|
| Name of children (in full if possible) involved in the incident/ issue to which the complaint relates? | [Redacted] |
| Age of Children (DOB if possible and relevant?) | [Redacted] |
| Name of educator(s), staff member(s) or other persons involved? | [Redacted] |
| <p>Details of the incident/issue:</p> <p><i>Consider details such as:</i></p> <p><i>What happened?</i></p> <p><i>Where did it happen?</i></p> <p><i>Has it ever happened before?</i></p> <p><i>Has it happened to anyone else?</i></p> <p><i>Who was present?</i></p> <p><i>Who was involved?</i></p> <p><i>Have you discussed the incident/issue with anyone else?</i></p> <p><i>Has any action been taken?</i></p> | [Redacted] |



| | |
|--|--|
| | |
| Did you make any notes at the time, or send any emails? Are you prepared to provide a copy? | |
| If necessary would you be prepared to make a statement? | |
| Is there any other information (documents, memos, emails etc) that you may have that would substantiate the allegation(s)? | |

Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 23 May 2019 8:06 AM
To: [REDACTED]
Subject: RE: Brindabella Christian College Early Learning Centre
Attachments: Section 215 Notice to [REDACTED].pdf

UNCLASSIFIED

Dear [REDACTED]

Thank you for replying. I've scheduled the interview for 2.00pm.

I've attached a formal notice under section 215 of the *Education and Care Services National Law*, in accordance with our usual procedure. Please do not be concerned about the formal nature of the notice – it contains important protections for educators when giving evidence to the Regulatory Authority.

I will meet you in our foyer at 2.00pm tomorrow. I'm not sure if you've been to the Hedley Beare Centre before, but there is plenty of free parking.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
 GPO Box 158 Canberra ACT 2601
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 - please notify the sender and delete all copies of this transmission along with any attachments immediately.
 - you should not copy or use it for any purpose, nor disclose its contents to any other person.

om: [REDACTED]

Sent: Wednesday, 22 May 2019 10:30 AM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Subject: Re: Brindabella Christian College Early Learning Centre

Sent from my iPhone

On 22 May 2019, at 8:46 am, Masterman, Tanya <Tanya.Masterman@act.gov.au> wrote:

UNCLASSIFIED

Hi [REDACTED]

I'm afraid I'm tied up all day tomorrow, but how about Friday?

I'm about to go into a meeting, so will try and call you when I am finished.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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 - please notify the sender and delete all copies of this transmission along with any attachments immediately.
 - you should not copy or use it for any purpose, nor disclose its contents to any other person.

From [REDACTED]
Sent: Wednesday, 22 May 2019 8:33 AM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Subject: Re: Brindabella Christian College Early Learning Centre

Hi, sorry you haven't been able to reach me by phone. Would tomorrow be okay ?

Sent from my iPhone

On 21 May 2019, at 12:07 pm, Masterman, Tanya <Tanya.Masterman@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]

I tried to call you, but it went to voicemail so thought I would email instead.

Yesterday, our management committee decided that a formal investigation would be conducted into the concerns raised by you.

I would like to make a time to meet with you to prepare a formal statement. At that time I will explain our investigative process to you.

We usually interview witnesses at our office in Stirling and you are very welcome to bring someone with you – a friend or relative.

Given the seriousness of the allegations, I'd like to have that meeting either late this week or next week. Could you please give me some indication of your availability?

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
 GPO Box 158 Canberra ACT 2601
www.education.act.gov.au

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From [REDACTED]
Sent: Tuesday, 14 May 2019 2:57 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Subject: Re: Brindabella Christian College Early Learning Centre

I've attached the completed form.

Thanks.
[REDACTED]

On Tue, May 14, 2019 at 1:58 PM Masterman, Tanya <Tanya.Masterman@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]

Thank you very much for your call this afternoon. [REDACTED]
[REDACTED]

As mentioned, here is our Direct Complaint form. I would be grateful if you could fill out as much detail as possible and return directly to me (not to the address on the form).

Yours sincerely

Tanya Masterman | Senior Investigator

Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

Early Childhood Policy and Regulation | Education | ACT Government

Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611

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[REDACTED]
Email: [REDACTED]

Dear [REDACTED]

**Notice under Section 215 of the *Education and Care Services National Law (ACT) Act 2011* –
Power of Regulatory Authority to obtain information, documents and evidence
by notice from specified person**

This is a notice issued under section 215 of the *Education and Care Services National Law (ACT) Act 2011* (National Law). I have been delegated the powers of the Regulatory Authority under section 215 of the National Law.

Based on evidence I have available to me I am satisfied that there are grounds to suspect that offences have, or may have, been committed at Brindabella Christian College ELC – Charnwood SE-00011290 that warrant this notification to be issued.

I believe that you can provide me with information and/or give evidence relevant to a matter currently under investigation.

In order to assist our investigation, and for the purpose of discussing what you may know of the incident and any other associated matters, I require you to attend before me at:

Location: Office of Children's Education and Care Assurance (CECA)
Hedley Beare Centre for Teaching and Learning
51 Fremantle Drive, STIRLING ACT 2611

Date: Friday 24 May 2019

Time: 2:00pm

A typed statement will be prepared during the interview and you will be provided with a copy once the investigation is complete.

You may bring a support person to the interview. Any support person should not be anyone who may be involved in the investigation - such as anyone from the service or provider. Please also advise whether you require an interpreter to assist you.

Please be aware that a disclosure of information or provision of documents to the Regulatory Authority pursuant to a request made under section 215 (2) of the National Law is defined as a protected disclosure.

Required Warnings under National Law

Please note there are offences for failing to comply with this notice and/or providing false and misleading information:

Pursuant to section 217 of the National Law, a person must not refuse or fail to comply with a requirement under section 215 or 216 to the extent that the person is capable of complying with that requirement.

Penalty: \$8000 in the case of an individual.

Penalty: \$40,000 in any other case.

Pursuant to section 218 of the National law, a person must not obstruct or hinder the Regulatory Authority in exercising a power under section 215 or 216.

Penalty: \$8000 in the case of an individual.

\$40,000 in any other case.

Pursuant to section 219 of the National Law, a person is not excused from complying with a notice or requirement under section 215 or 216 on the ground that complying with the notice or requirement may result in information being provided that might tend to incriminate the person.

Pursuant to section 295 a person must not give the Regulatory Authority or an authorised officer under this Law any information or documents that the person knows is false or misleading.

Penalty: \$6000 in the case of an individual.


\$30,000 in any other case.

Other relevant excerpts of the National Law have been attached to this Notice for your convenience. You can access the complete National Law and Regulations at <http://www.acecqa.gov.au/national-law>.

Please confirm your attendance at the interview and provide details of your support person (if any), by contacting me on (02) 6205 2012.

If you have any queries, concerns or would like clarification in relation to this notice, please contact me.

Yours sincerely,


 Anna Masterman
 Senior Investigator
 Children's Education and Care Assurance
 Early Childhood Regulation
 Education Directorate

23 May 2019

Education and Care Services National Law (ACT) Act 2011

Section 215: Power of Regulatory Authority to obtain information, documents and evidence by notice

- (1) This section applies if the Regulatory Authority reasonably suspects that an offence has or may have been committed against this Law.
- (2) The Regulatory Authority may, by written notice, require a specified person—
 - (a) to provide to the Regulatory Authority, in writing signed by that person or, if the person is not an individual, by a competent officer of that person, within the time and in the manner specified in the notice, any relevant information that is specified in the notice; or
 - (b) to produce to the Regulatory Authority, or to a person specified in the notice acting on the Regulatory Authority's behalf, in accordance with the notice, any relevant document referred to in the notice; or
 - (c) to appear before the Regulatory Authority, or a person specified in the notice acting on the Regulatory Authority's behalf, at a time and place specified in the notice to give any evidence or to produce any relevant document specified in the notice.
- (3) The notice must—
 - (a) warn the person that failure or refusal to comply with the notice would constitute an offence; and
 - (b) warn the person about the effect of sections 217, 218 and 219.
- (4) The Regulatory Authority or the person specified in the notice acting on the Regulatory Authority's behalf may require the evidence referred to in subsection (2)(c) to be given on oath or affirmation and for that purpose may administer an oath or affirmation.
- (5) The person may give evidence under subsection (2)(c) by telephone or video conference or other electronic means unless the Regulatory Authority, on reasonable grounds, requires the person to give that evidence in person.
- (6) In this section, *specified person* has the meaning given in section 206(4).

Protection from reprisal

296 Definitions

In this Division—*protected disclosure* means a disclosure of information or provision of documents to the Regulatory Authority—

- (a) pursuant to a request under this Law; or
- (b) where the person making the disclosure has a reasonable belief that—
 - (i) an offence against this Law has been or is being committed; or
 - (ii) the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk;

serious detrimental action includes dismissal, involuntary transfer, loss of promotion and demotion.

297 Protection from reprisal

(1) A person must not take serious detrimental action against a person in reprisal for a protected disclosure.

Penalty: \$10 000 in the case of an individual.
 \$50 000 in any other case.

(2) A person takes serious detrimental action in reprisal for a protected disclosure if—

(a) the person takes or threatens to take the action because—

(i) a person has made, or intends to make, a protected disclosure; or

(ii) the person believes that a person has made or intends to make the protected disclosure; or

(b) the person incites or permits another person to take or threaten to take the action for either of those reasons.

(3) In determining whether a person takes serious detrimental action in reprisal, it is irrelevant whether or not a reason referred to in subsection (2) is the only or dominant reason as long as it is a substantial reason.

298 Proceedings for damages for reprisal

(1) A person who takes serious detrimental action against a person in reprisal for a protected disclosure is liable in damages to that person.

(2) The damages may be recovered in proceedings as for a tort in any court of competent jurisdiction.

(3) Any remedy that may be granted by a court with respect to a tort, including exemplary damages, may be granted by a court in proceedings under this section.

(4) The right of a person to bring proceedings for damages does not affect any other right or remedy available to the person arising from the serious detrimental action.



Fairburn, Janine

From: Masterman, Tanya
Sent: Friday, 24 May 2019 7:43 AM
To: [REDACTED]
Subject: RE: Brindabella Christian College Early Learning Centre Charnwood - Section 215 Notice from Regulatory Authority

UNCLASSIFIED

Thank you [REDACTED]

Regarding your request, I can cc some correspondence to [REDACTED] but that will not always be appropriate. It depends on the circumstances. [REDACTED] is not a Person with Management and Control and correspondence or notices to the Provider cannot be addressed to [REDACTED]. The notice was sent to you as the primary contact listed on the NQA ITS portal. If there is another Person with Management and Control who is a more appropriate contact for this sector, it may be advisable to change the primary contact details.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
 GPO Box 158 Canberra ACT 2601
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From: [REDACTED]
Sent: Thursday, 23 May 2019 12:05 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
 .: [REDACTED]@bcc.act.edu.au>
Subject: Fwd: Brindabella Christian College Early Learning Centre Charnwood - Section 215 Notice from Regulatory Authority

Dear Ms Masterman,

Thank you for your advice and request [REDACTED] our [REDACTED] will prepare the response. Please always direct your correspondence to [REDACTED] as our [REDACTED], cc myself.

Regards [REDACTED]



Sent from my iPhone

Begin forwarded message:

From: Brindabella Christian College <bcc@bcc.act.edu.au>
Date: 23 May 2019 at 11:13:41 am AEST
To: [REDACTED]
Subject: FW: Brindabella Christian College Early Learning Centre Charnwood - Section 215 Notice from Regulatory Authority

FYI



From: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Sent: Thursday, 23 May 2019 10:52 AM
To: Brindabella Christian College <bcc@bcc.act.edu.au>
Subject: Brindabella Christian College Early Learning Centre Charnwood - Section 215 Notice from Regulatory Authority

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer under the *Education and Care Services National Law*. The ACT Regulatory Authority has received a complaint indicating that the health, safety and wellbeing of children may have been compromised at the above Service on 14 May 2019.

Please find attached a notice under section 215 of the *National Law*, requiring production of documents by close of business on Tuesday 28 May 2019.

Please contact me if you have any queries about the attached notice.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
 GPO Box 158 Canberra ACT 2601
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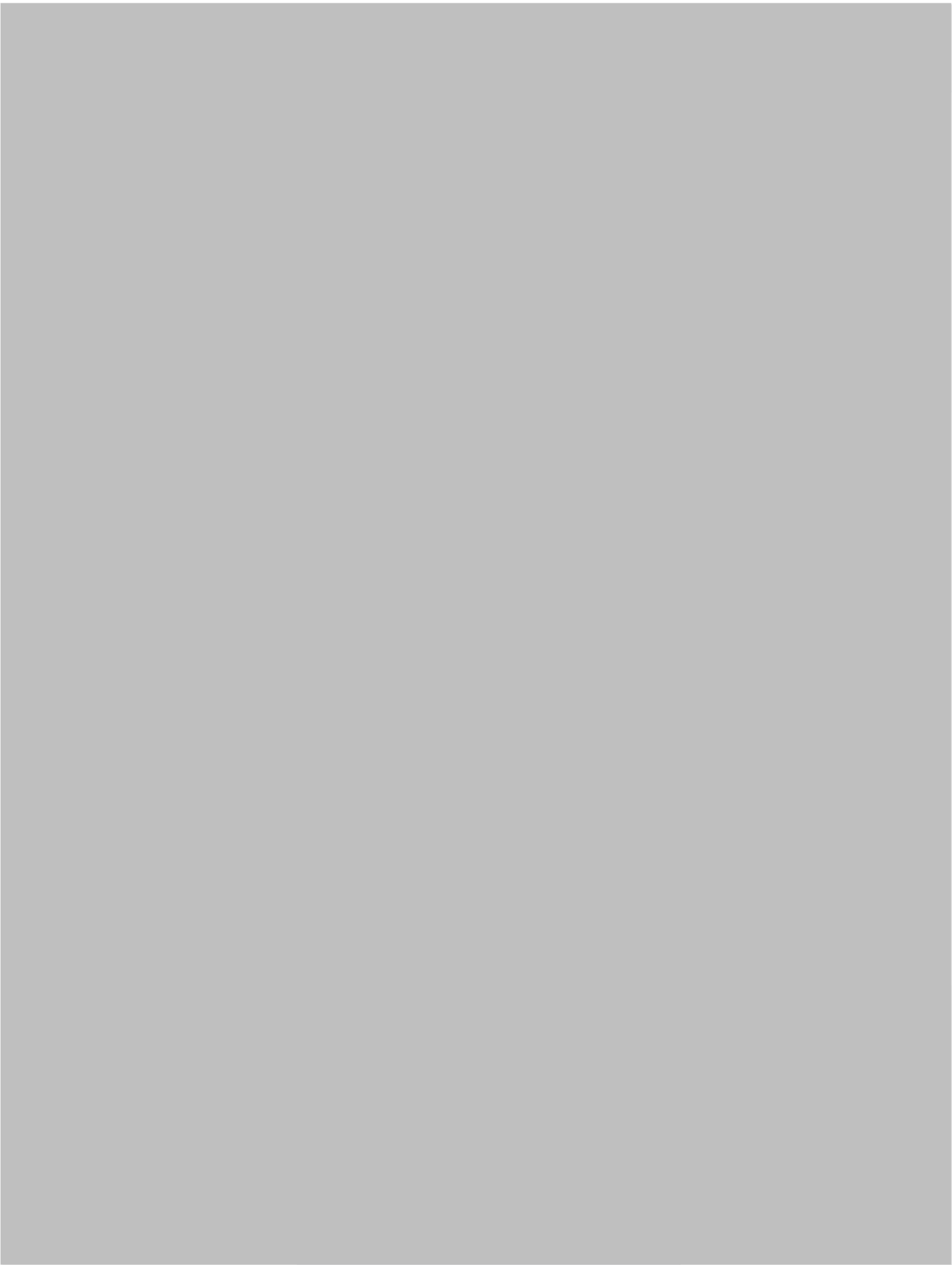
Children's Education and Care Assurance

Date: 24 May 2019
Time: 2:00pm
Location: Hedley Beare Centre, 51 Fremantle Drive Stirling, ACT

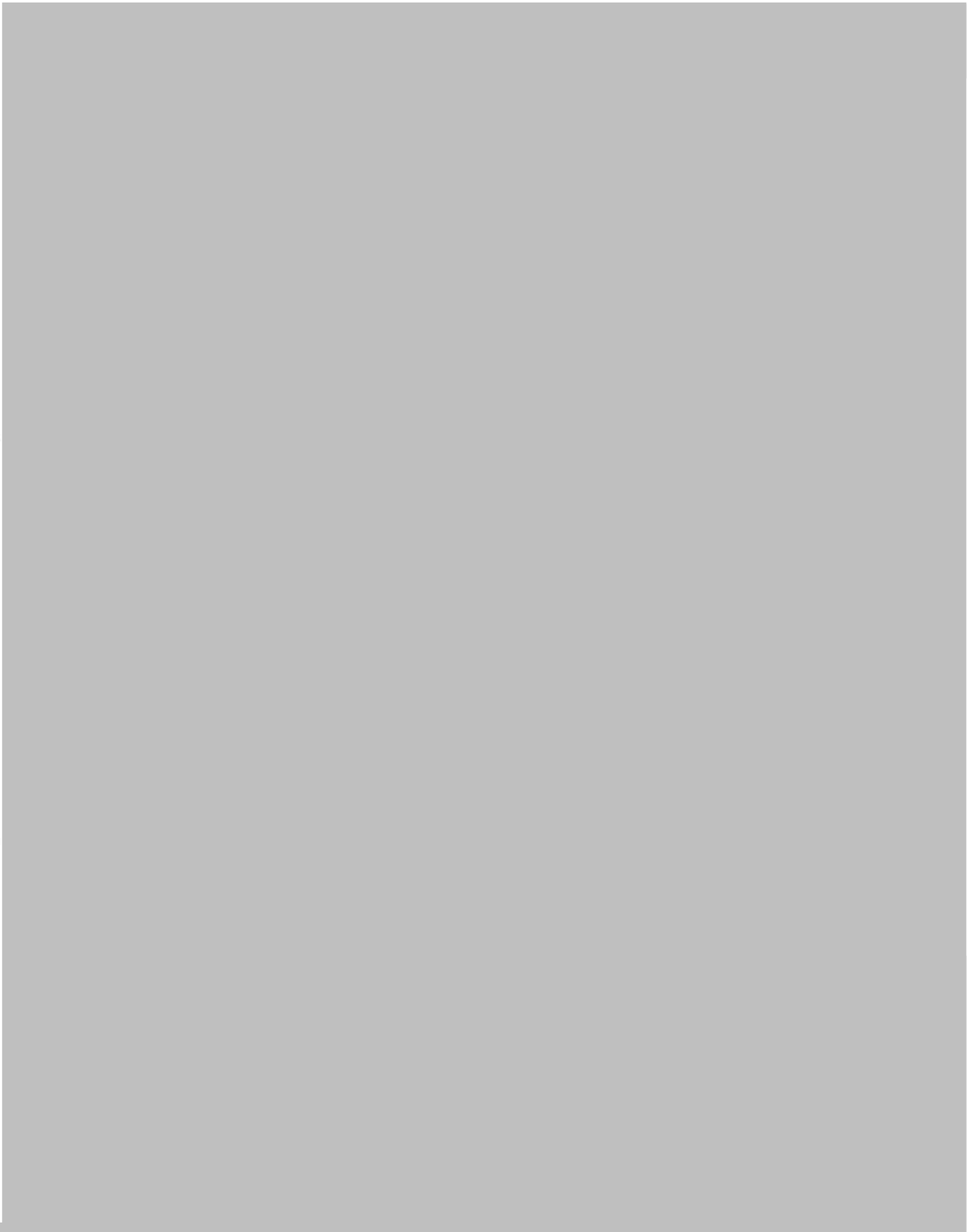
STATEMENT in the matter of: Brindabella Christian College ELC - Charnwood

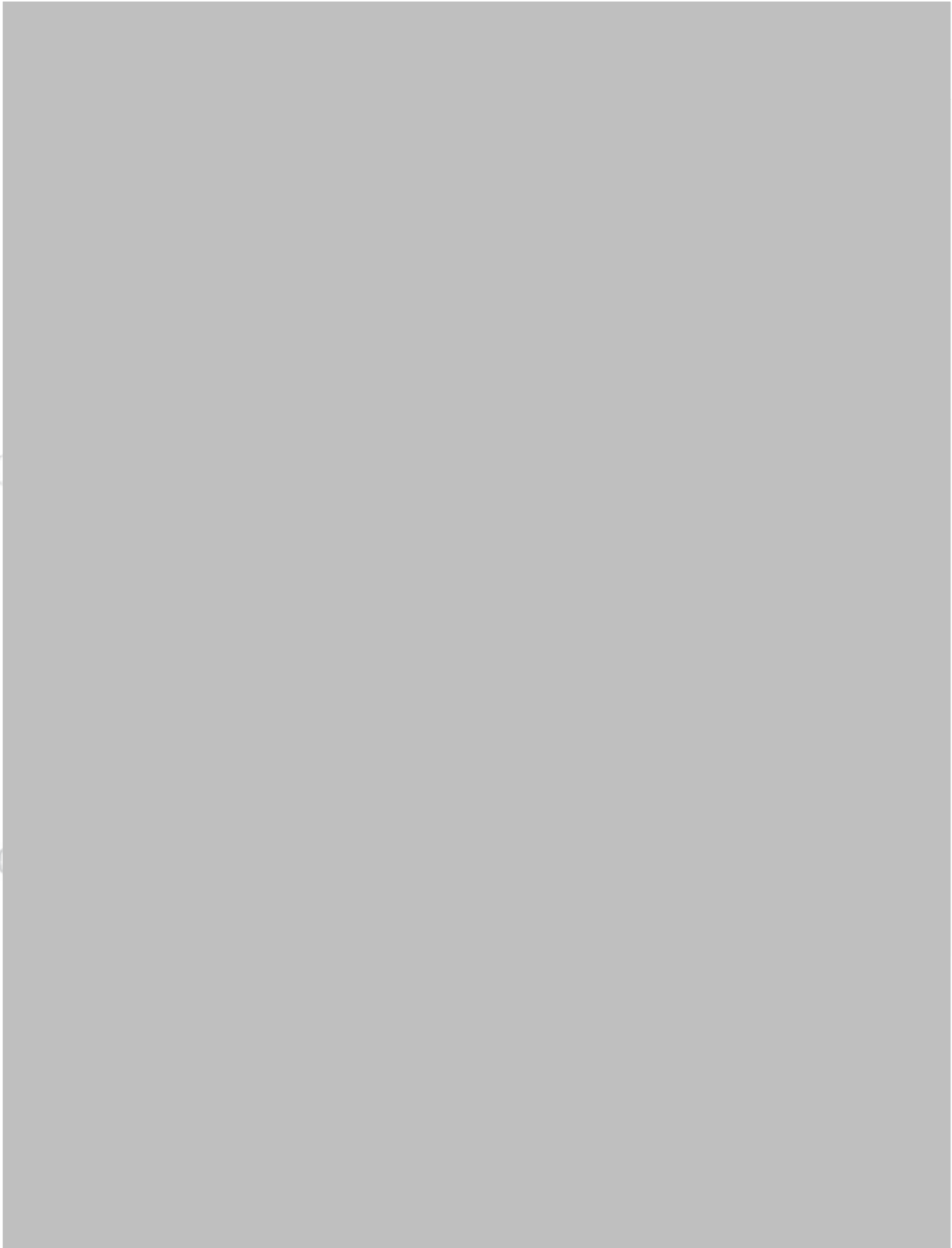
Name:
Address:
Occupation:
Mobile:
Work:
Email:

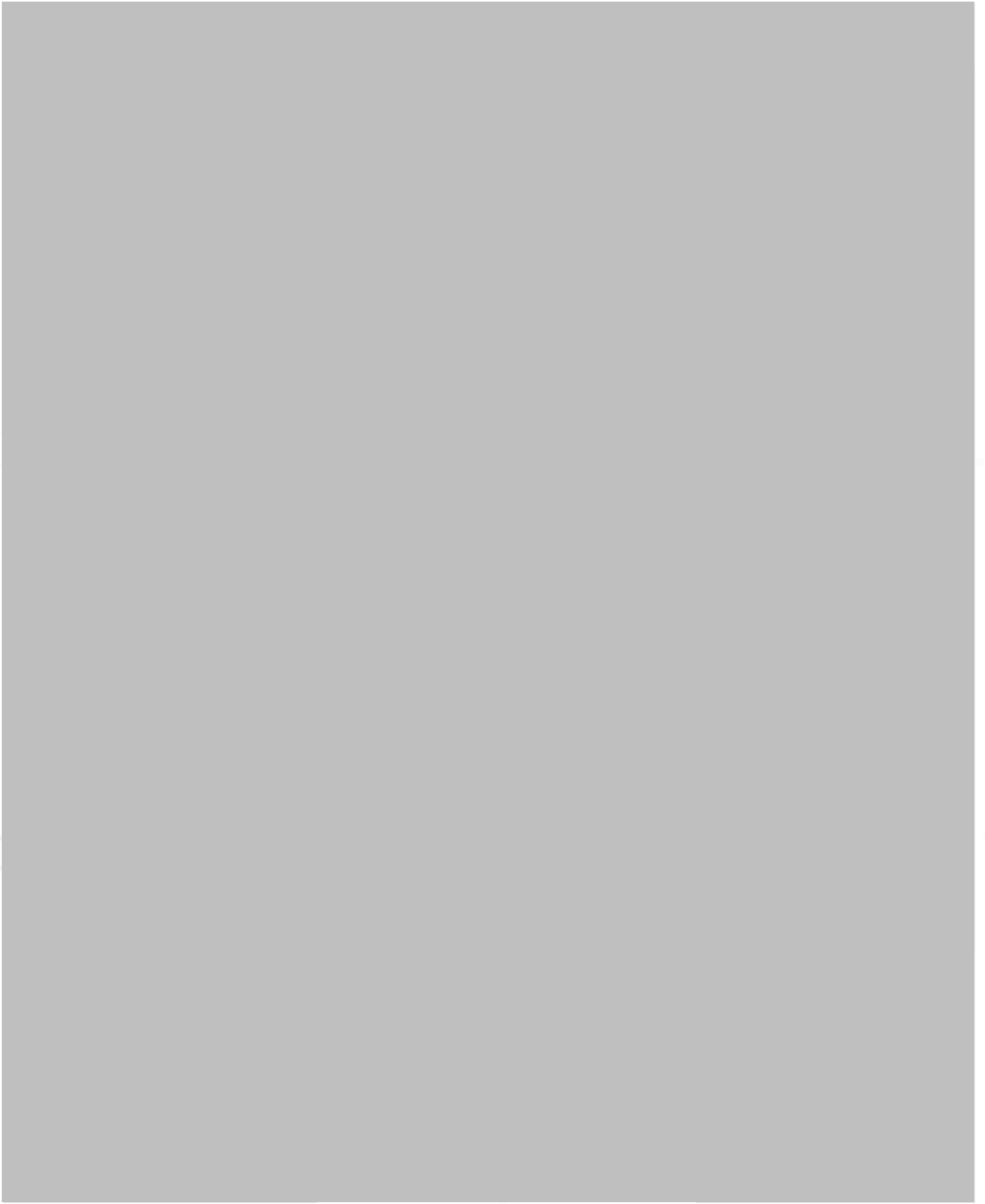




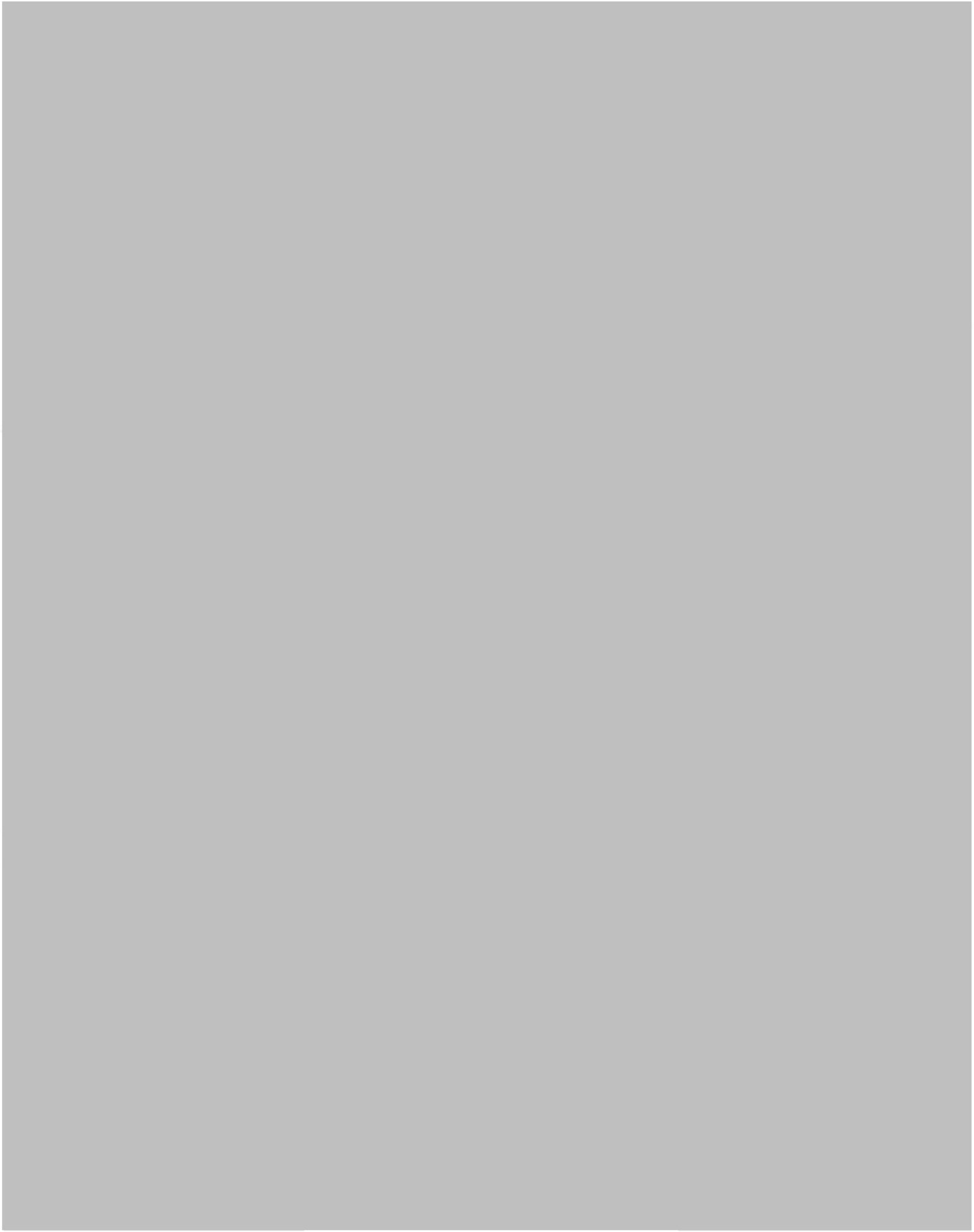




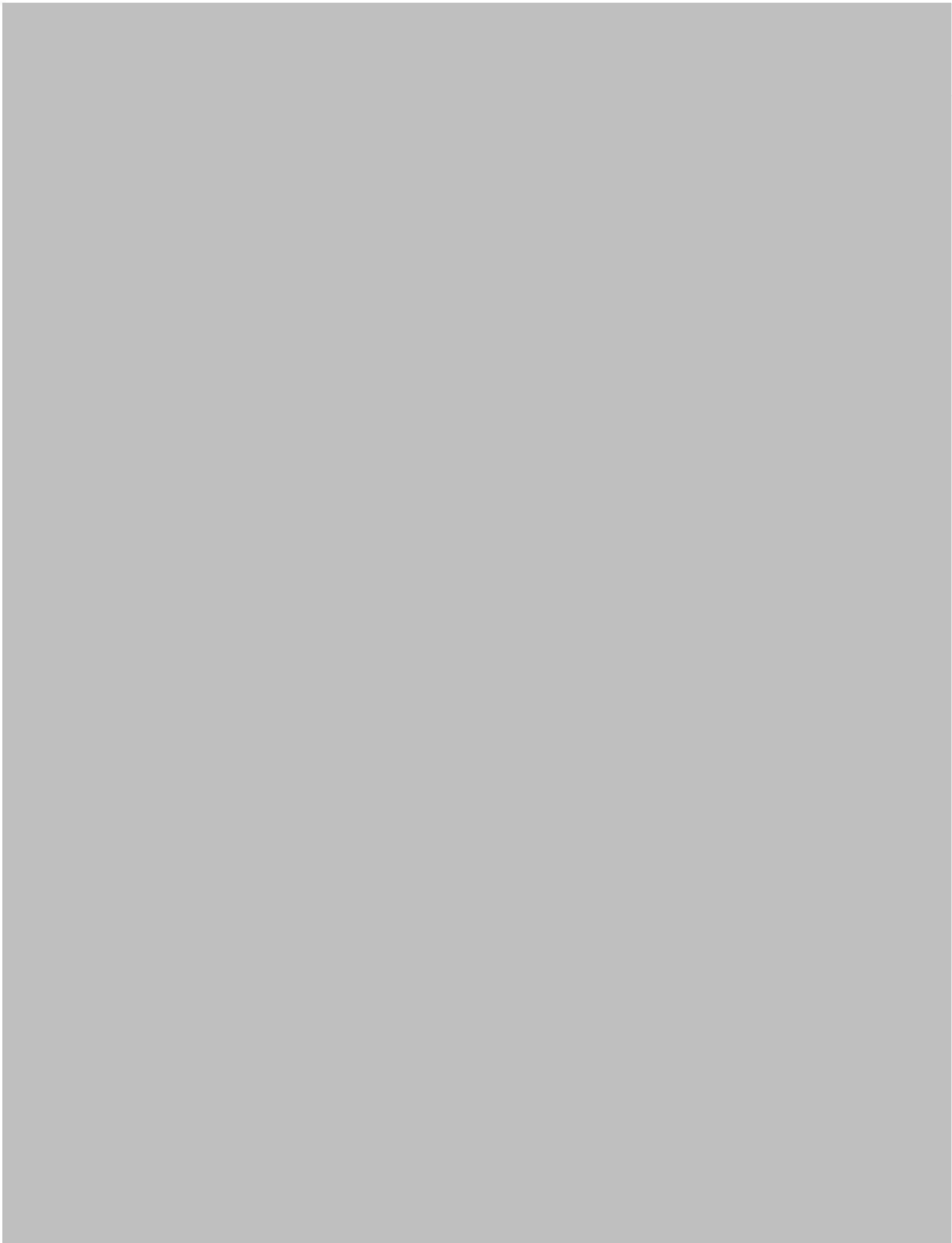


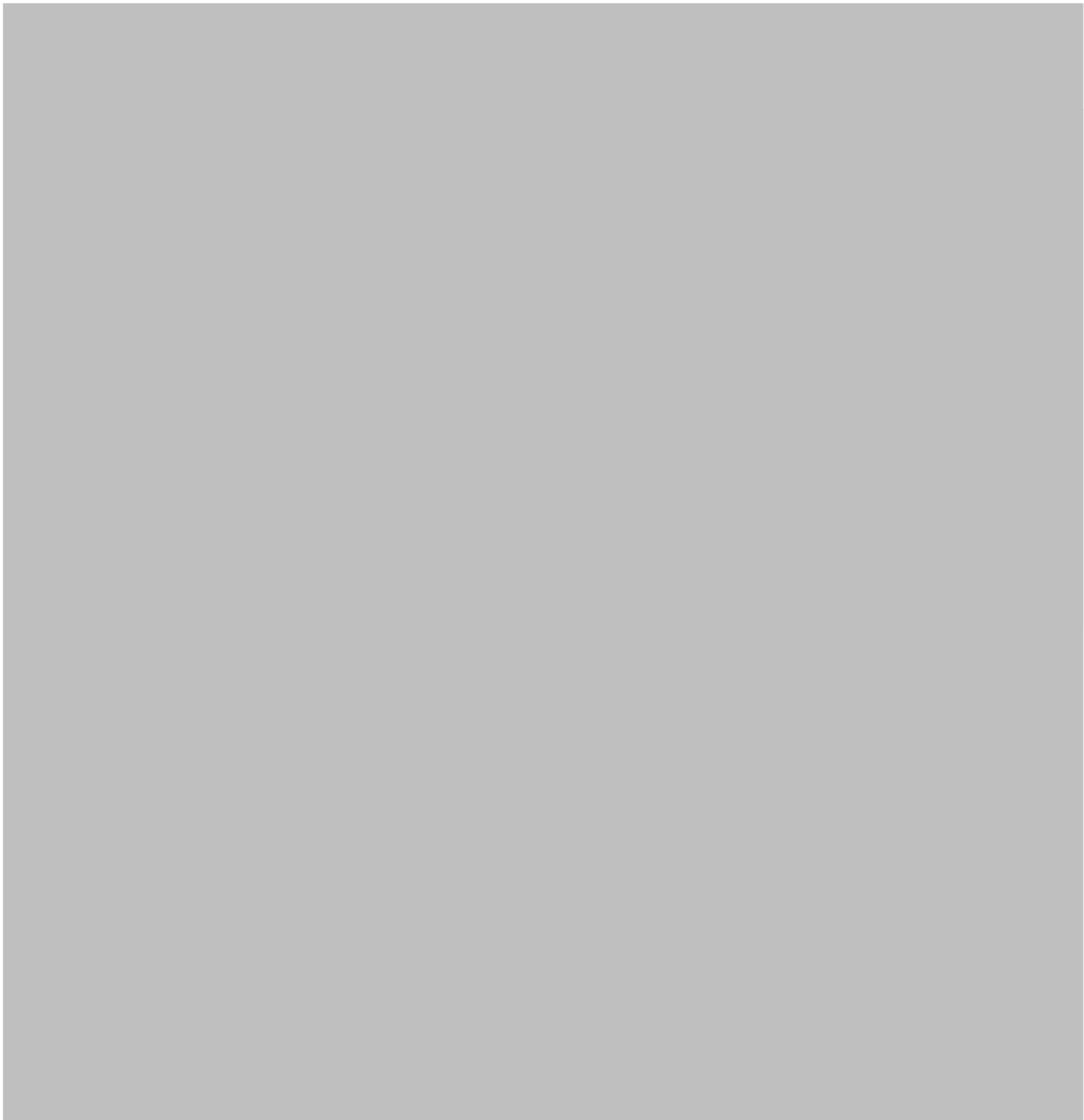












Statement taken and signature witnessed by



Tanya Masterman, Authorised Officer, Children's Education and Care Assurance

At 3.35pm on 24 May 2019 at 51 Fremantle Drive, Stirling, ACT

Charnwood ELC Team Room Sign on

Room: [Redacted] Week Start: 13/5/19 Week End: 17/5/19



| Name: | Qualifications: | | | | Signature: | Out | Comments |
|-----------|-----------------|-------|-------|-------|------------|------|----------|
| | In | Out | In | Out | | | |
| Monday | 10:00 | 10:00 | 10:15 | 12:00 | [Redacted] | 5:45 | |
| Tuesday | 10:00 | 10:00 | 10:15 | 12:00 | [Redacted] | 5:45 | |
| Wednesday | 10:00 | 10:00 | 10:15 | 12:30 | [Redacted] | 3:45 | |
| Thursday | 10:00 | 10:00 | 10:15 | 12:30 | [Redacted] | 3:45 | |
| Friday | 10:00 | 10:00 | 10:15 | 12:30 | [Redacted] | 3:45 | |

| Name: | Qualifications: | | | | Signature: | Out | Comments |
|-----------|-----------------|-------|-------|------|------------|------|----------|
| | In | Out | In | Out | | | |
| Monday | 9:30 | 10:30 | 10:45 | 1:30 | [Redacted] | 6:00 | |
| Tuesday | 9:30 | 10:30 | 10:45 | 1:30 | [Redacted] | 6:00 | |
| Wednesday | 9:50 | 10:30 | 10:45 | 1:30 | [Redacted] | 6:00 | |
| Thursday | 9:15 | 10:45 | 11:00 | 1:35 | [Redacted] | 6:00 | |
| Friday | 7:20 | | | 1:30 | [Redacted] | 2:45 | |

| Name: | Qualifications: | | | | Signature: | Out | Comments |
|-----------|-----------------|-----|----|-----|------------|-----|----------|
| | In | Out | In | Out | | | |
| Monday | | | | | [Redacted] | | |
| Tuesday | | | | | [Redacted] | | |
| Wednesday | | | | | [Redacted] | | |
| Thursday | | | | | [Redacted] | | |
| Friday | | | | | [Redacted] | | |

| Name: | Qualifications: | | | | Signature: | Out | Comments |
|-----------|-----------------|-------|-------|-------|------------|------|----------|
| | In | Out | In | Out | | | |
| Monday | 9:00 | 10:20 | 10:35 | 12:00 | [Redacted] | 5:20 | |
| Tuesday | | | | | [Redacted] | | |
| Wednesday | 9:00 | 10:20 | 10:35 | 12:30 | [Redacted] | 5:30 | |
| Thursday | | | | | [Redacted] | | |
| Friday | 8:30 | 10:15 | 10:30 | 12:30 | [Redacted] | 5:30 | |

Charnwood ELC Team Room Sign on

Room: [Redacted] Week Start: 13/5/19 Week End: 17/5/19



| Name: | Qualifications: | | Signature: | | Comments |
|------------|-----------------|-------|------------|-------|----------|
| | In | Out | In | Out | |
| [Redacted] | 8:00 | 10:10 | 10:25 | 12:55 | |
| Monday | | | | 4:30 | |
| Tuesday | 8:00 | 10:00 | 10:15 | 12:10 | |
| Wednesday | 9:00 | 10:15 | 10:30 | 12:00 | |
| Thursday | 8:45 | 10:30 | 10:40 | 12:00 | |
| Friday | 8:00 | 11:45 | 12:45 | 4:30 | |

| Name: | Qualifications: | | Signature: | | Comments |
|------------|----------------------|-------|------------|------|----------|
| | In | Out | In | Out | |
| [Redacted] | | | | | |
| Monday | 9:00 | 10:55 | 11:10 | 1:05 | |
| Tuesday | 8:55 | 10:45 | 11:00 | 1:10 | |
| Wednesday | Away on Carers Leave | | | | |
| Thursday | Away on Carers Leave | | | | |
| Friday | Away on Carers Leave | | | | |

| Name: | Qualifications: | | Signature: | | Comments |
|------------|-----------------|-------|------------|------|----------|
| | In | Out | In | Out | |
| [Redacted] | | | | | |
| Monday | 9:00 | 10:30 | 10:45 | 1:45 | |
| Tuesday | 8:45 | 10:30 | 10:45 | 1:30 | |
| Wednesday | 9:00 | 10:45 | 11:00 | 2:00 | |
| Thursday | 9:00 | 11:00 | 11:15 | 1:45 | |
| Friday | 8:40 | 10:45 | 11:00 | 2:55 | |

| Name: | Qualifications: | | Signature: | | Comments |
|-----------|-----------------|-----|------------|-----|----------|
| | In | Out | In | Out | |
| Monday | | | | | |
| Tuesday | | | | | |
| Wednesday | | | | | |
| Thursday | | | | | |
| Friday | | | | | |

Charwood ELC Team Room Sign on

Room: [Redacted] Week Start: 13/05/19 Week End: 17/05/19

| Name: | Qualifications: | | | | Signature: | | | | |
|------------|-----------------|------|------|------|------------|-----|------------|-----|----------|
| | In | Out | In | Out | In | Out | In | Out | Comments |
| [Redacted] | 8:15 | 2:00 | 2:30 | 4:30 | [Redacted] | | [Redacted] | | |
| Monday | | | | | | | | | |
| Tuesday | 8:20 | 1:40 | 2:10 | 4:40 | | | | | |
| Wednesday | 8:20 | 1:45 | 2:15 | 4:30 | | | | | |
| Thursday | 8:15 | 1:20 | 1:55 | 4:30 | | | | | |
| Friday | 8:25 | | | | | | | | |

| Name: | Qualifications: | | | | Signature: | | | | |
|------------|-----------------|------|------|------|------------|-----|------------|-----|----------|
| | In | Out | In | Out | In | Out | In | Out | Comments |
| [Redacted] | | | | | [Redacted] | | [Redacted] | | |
| Monday | | | | | | | | | |
| Tuesday | | | | | | | | | |
| Wednesday | | | | | | | | | |
| Thursday | 8:27 | 1:00 | 1:43 | 4:35 | | | | | |
| Friday | 8:28 | 1:45 | 1:15 | 4:35 | | | | | |

| Name: | Qualifications: | | | | Signature: | | | | |
|-----------|-----------------|-----|----|-----|------------|-----|----|-----|----------|
| | In | Out | In | Out | In | Out | In | Out | Comments |
| Monday | | | | | | | | | |
| Tuesday | | | | | | | | | |
| Wednesday | | | | | | | | | |
| Thursday | | | | | | | | | |
| Friday | | | | | | | | | |

| Name: | Qualifications: | | | | Signature: | | | | |
|-----------|-----------------|-----|----|-----|------------|-----|----|-----|----------|
| | In | Out | In | Out | In | Out | In | Out | Comments |
| Monday | | | | | | | | | |
| Tuesday | | | | | | | | | |
| Wednesday | | | | | | | | | |
| Thursday | | | | | | | | | |
| Friday | | | | | | | | | |

Charnwood ELC Team Room Sign on

Room: [Redacted] Week Start: 13/5/19 Week End: 17/5/19



| Name: | Qualifications: | | Signature: | | Out | Comments |
|-----------|-----------------|-------|------------|------|------|----------|
| | In | Out | In | Out | | |
| Monday | 7:30 | 10:40 | [Redacted] | 1:00 | 4:05 | |
| Tuesday | 7:28 | 10:43 | [Redacted] | 1:10 | 4:00 | |
| Wednesday | 7:22 | 10:15 | [Redacted] | 1:00 | 4:00 | |
| Thursday | 7:30 | 10:15 | [Redacted] | 1:00 | 4:00 | |
| Friday | 9:20 | 12:00 | [Redacted] | 6:00 | | |

| Name: | Qualifications: | | Signature: | | Out | Comments |
|-----------|-----------------|-------|------------|-------|------|----------|
| | In | Out | In | Out | | |
| Monday | 9:40 | 10:45 | [Redacted] | 2:00 | 6:00 | |
| Tuesday | 9:40 | 10:40 | [Redacted] | 14:00 | 6:00 | |
| Wednesday | 9:27 | 10:46 | [Redacted] | 14:15 | 6:00 | |

| Name: | Qualifications: | | Signature: | | Out | Comments |
|-----------|-----------------|-------|------------|------|-----|----------|
| | In | Out | In | Out | | |
| Monday | 9:30 | 11:15 | [Redacted] | 3:00 | 6pm | |
| Tuesday | 9:30 | 11:15 | [Redacted] | 3:00 | 6pm | |
| Wednesday | 9:30 | 11:15 | [Redacted] | 3:00 | 6pm | |
| Thursday | 9:30 | 11:15 | [Redacted] | 3:00 | 6pm | |
| Friday | 9:30 | 11:15 | [Redacted] | 3:00 | 6pm | |

| Name: | Qualifications: | | Signature: | | Out | Comments |
|-----------|-----------------|-------|------------|-------|------|----------|
| | In | Out | In | Out | | |
| Monday | 8:38 | 10:20 | [Redacted] | 2:00 | 5:30 | |
| Tuesday | 8:00 | 10:40 | [Redacted] | 11:00 | 5:30 | |
| Wednesday | 8:00 | 10:35 | [Redacted] | 1:00 | 5:30 | |
| Thursday | 8:00 | 10:35 | [Redacted] | 1:00 | 5:30 | |
| Friday | 8:00 | 10:35 | [Redacted] | 1:00 | 5:30 | |

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|



Early Learning Centre - Staff Sign in Sheet

| Date | Name | Sign In | | Sign Out | | | |
|---------|------|---------|-----------|----------|-----------|--|--|
| | | Time | Signature | Time | Signature | | |
| 14/5/19 | | 8:19 | | 3:15 | | | |
| 14/5/19 | | 8:50 | | | | | |
| 15/5/19 | | 8:14 | | 5:14 | | | |
| 16/5/19 | | 8:15 | | 6:12 | | | |
| 16/5/19 | | | | | | | |
| 20/5/19 | | 8:20 | | 4:12 | | | |
| 20/5/19 | | 9:05 | | 6:00 | | | |
| 22/5/19 | | 8:24 | | 17:00 | | | |
| 22/5/19 | | 10:25 | | | | | |
| 23/5/19 | | 8:31 | | | | | |
| | | | | | | | |
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| Centre | Roll Name | ParentID | Child Last Ne | Child First N | Child Middle | Fee Name | Time In | Time Out | Time | Signed In By | - Con Signed Out | By | - Co Signed | Signed | Roll Date | Signed Abs | Abs Time |
|--------|-----------|----------|---------------|---------------|--------------|----------|----------|----------|------|--------------|------------------|----|-------------|--------|------------|------------|----------|
| | | | | | | Normal | 07:24 AM | 05:03 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:24 AM | 04:04 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:27 AM | 08:25 AM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:27 AM | 05:18 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:32 AM | 08:24 AM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:32 AM | 08:24 AM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:37 AM | 05:12 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:37 AM | 04:20 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:37 AM | 05:12 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:38 AM | 04:54 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:43 AM | 08:24 AM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:46 AM | 03:43 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:52 AM | 05:33 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:56 AM | 03:32 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:56 AM | 02:31 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 07:57 AM | 04:34 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:00 AM | 04:28 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:00 AM | 04:28 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:01 AM | 04:15 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:01 AM | 05:06 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:03 AM | 08:24 AM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:06 AM | 05:48 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:12 AM | 04:19 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:12 AM | 04:25 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:14 AM | 03:12 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:14 AM | 04:31 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:20 AM | 01:53 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:25 AM | 05:44 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:26 AM | 03:45 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:28 AM | 04:34 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:30 AM | 03:18 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:33 AM | 04:56 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:38 AM | 03:27 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:41 AM | 04:38 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:43 AM | 05:15 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:45 AM | 05:13 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:45 AM | 05:13 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:48 AM | 05:36 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:52 AM | 03:39 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:52 AM | 05:47 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:52 AM | 05:47 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 08:58 AM | 04:26 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 09:07 AM | 03:49 PM | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | Normal | 09:40 AM | 04:16 PM | | | | | | | 14/05/2019 | | |
| | rwwood | | | | | | | | | | | | | | 14/05/2019 | | |
| | rwwood | | | | | | | | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | | | | | | | | | | 14/05/2019 | | |
| | Tues, We | | | | | | | | | | | | | | 14/05/2019 | | |







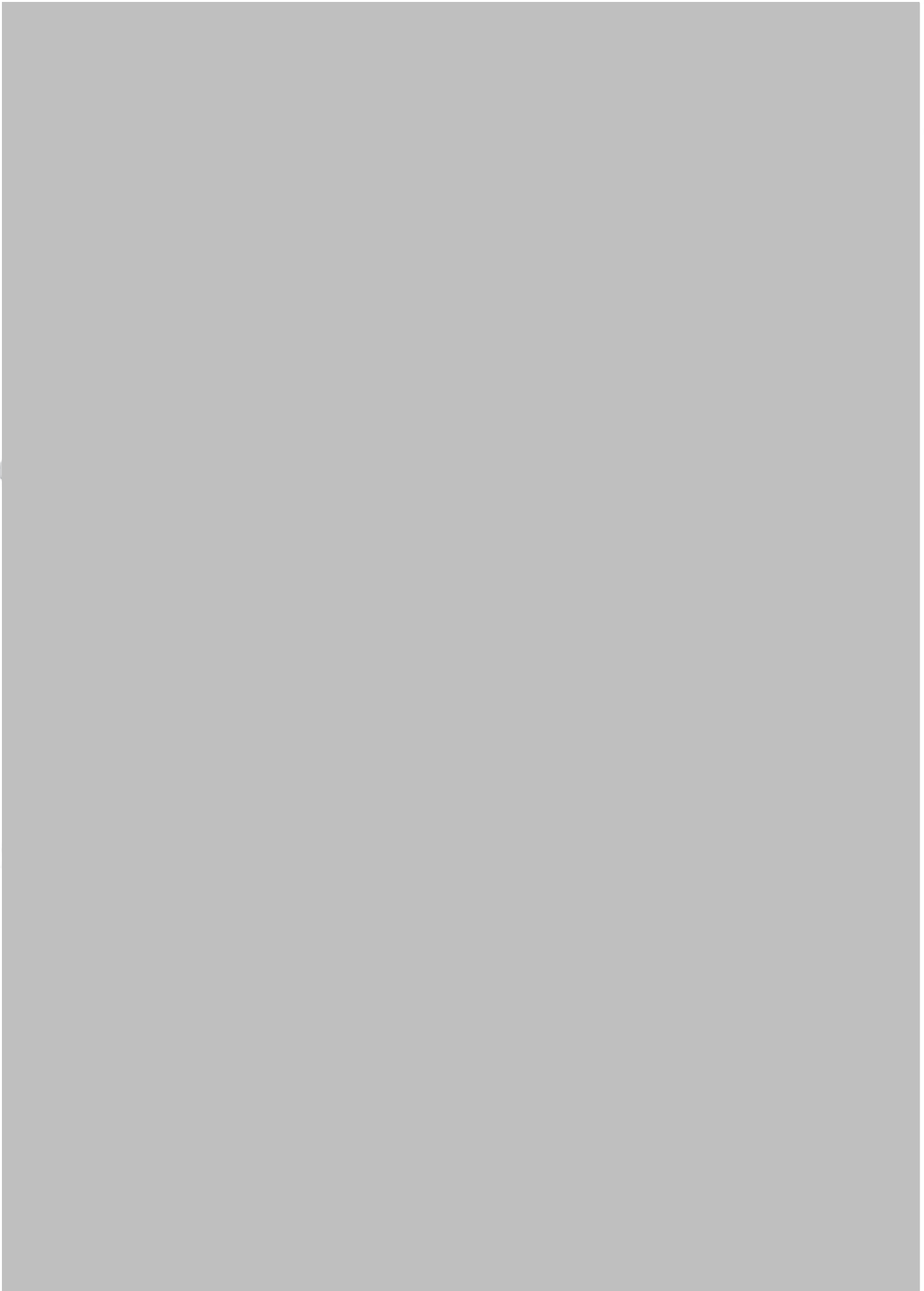
BRINDABELLA
CHRISTIAN COLLEGE

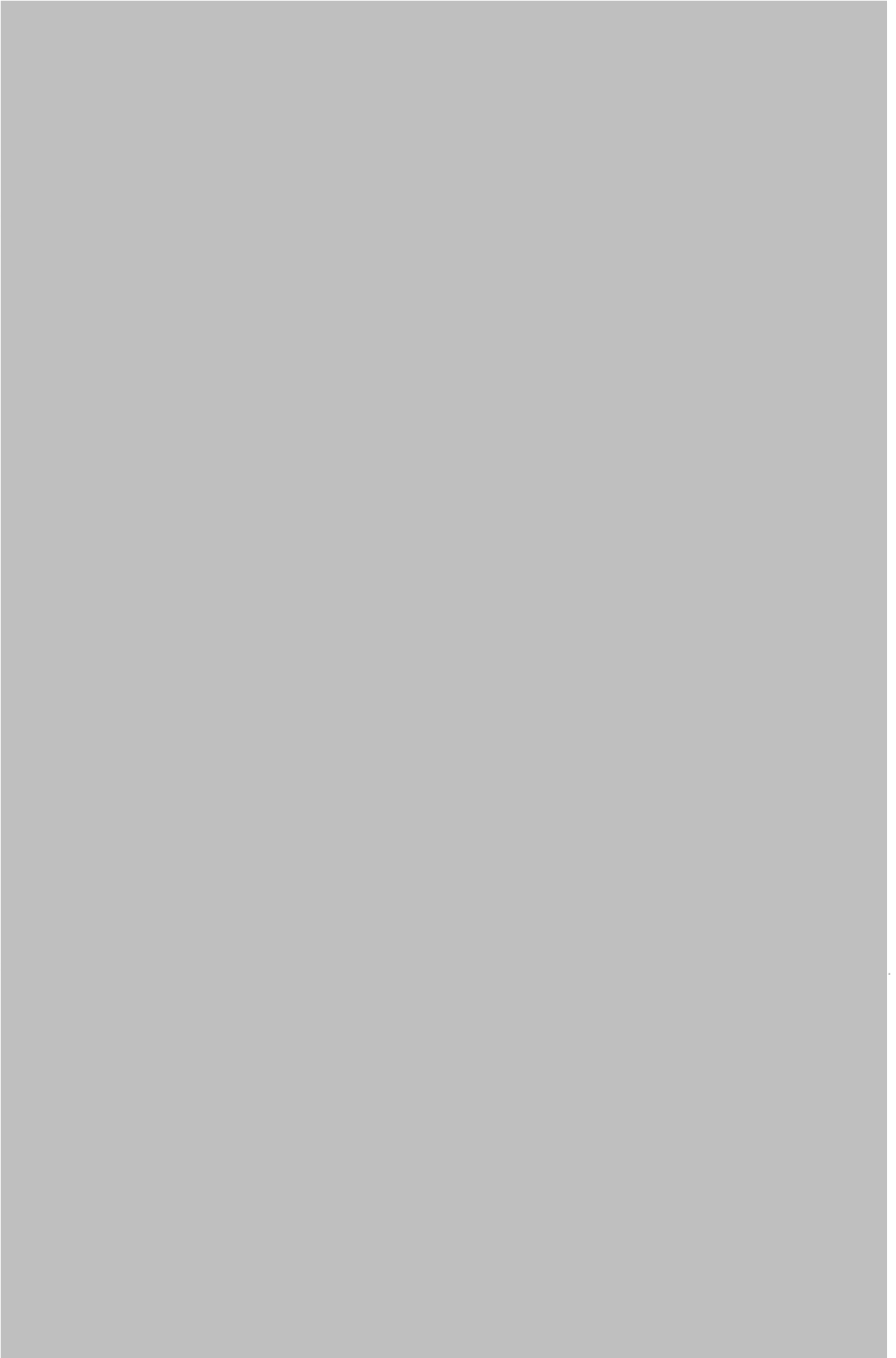
CANBERRA

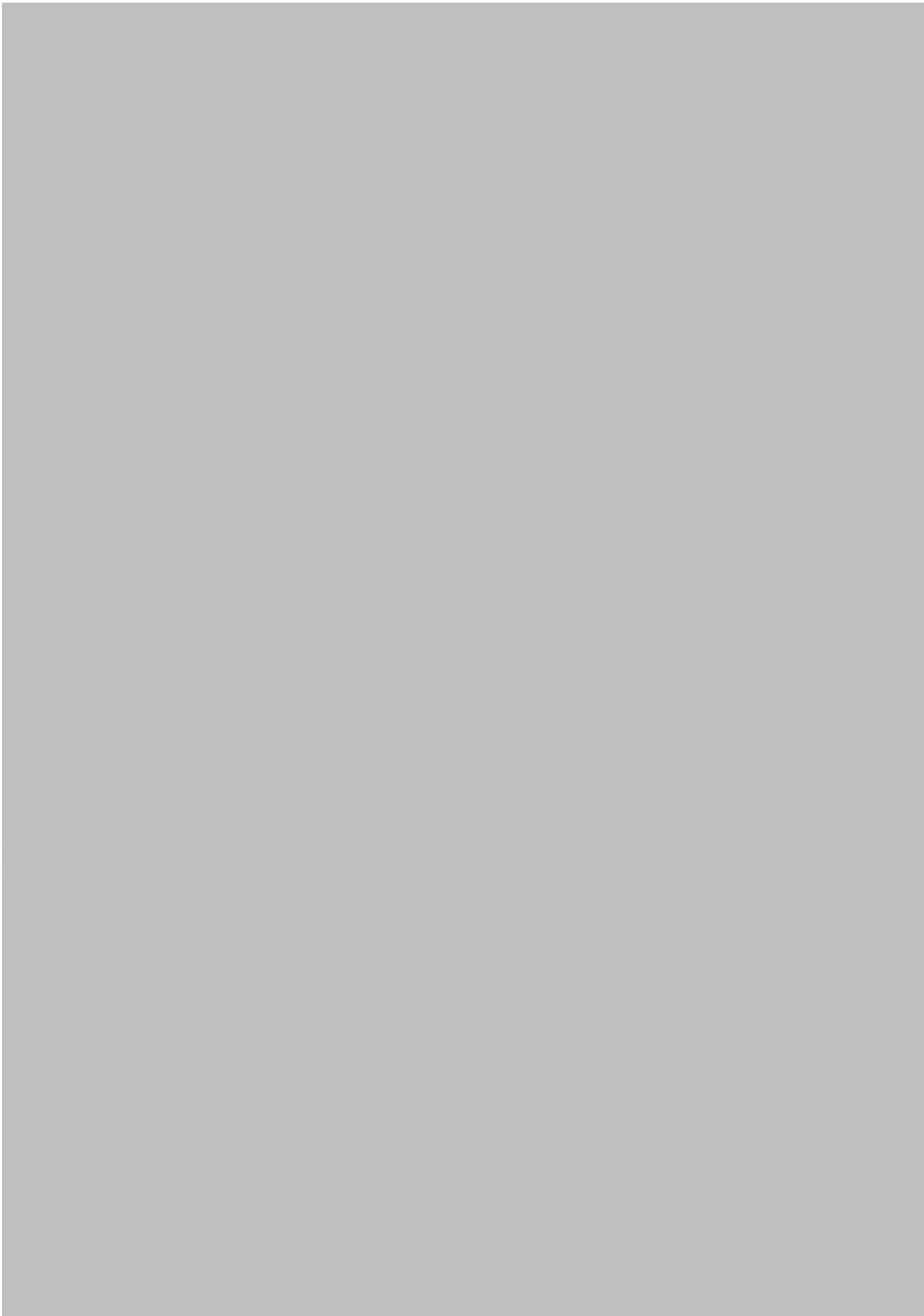
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COLLEGE

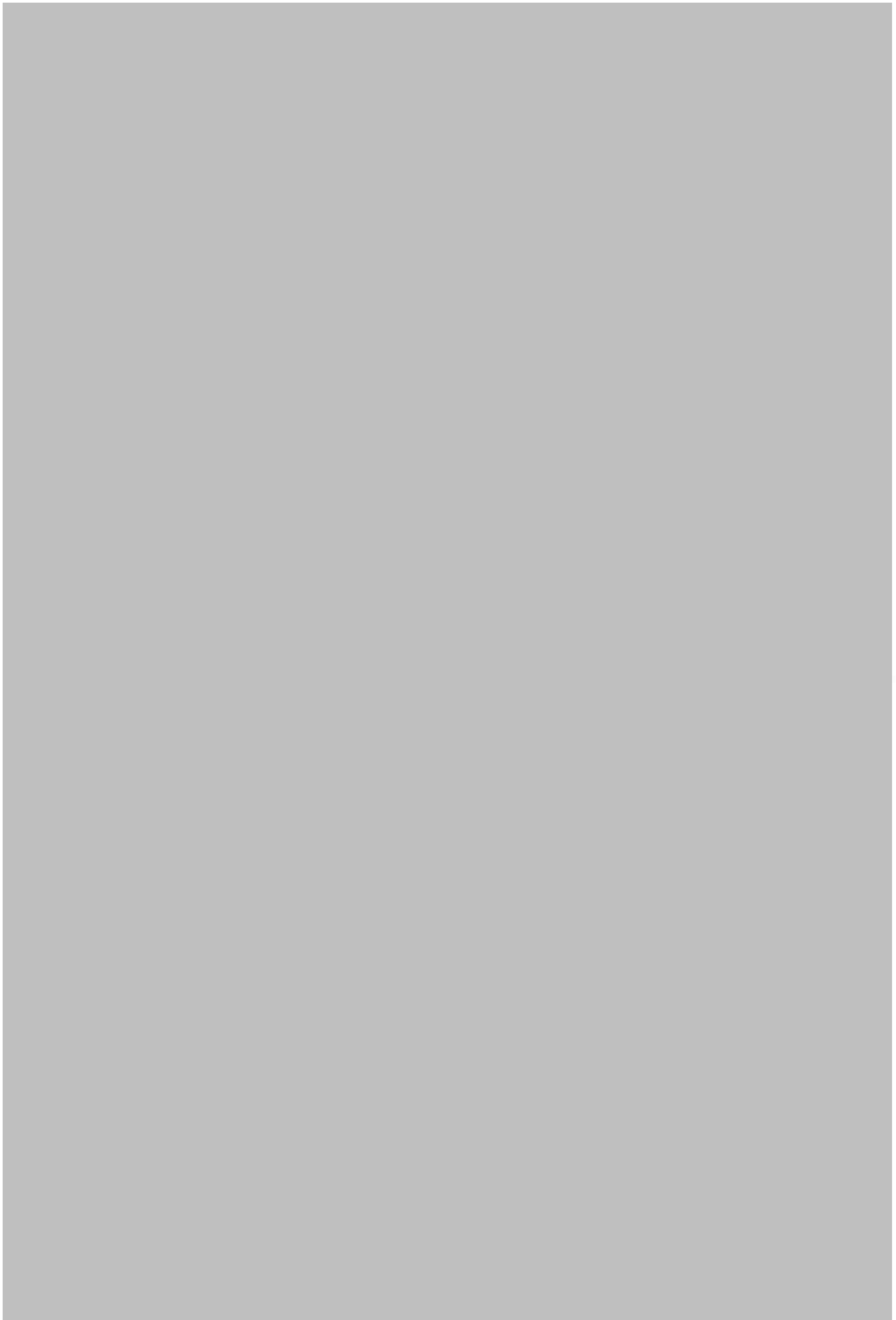
Interactions with
Children Policy

Updated August 2018 | due to be revised August 2019

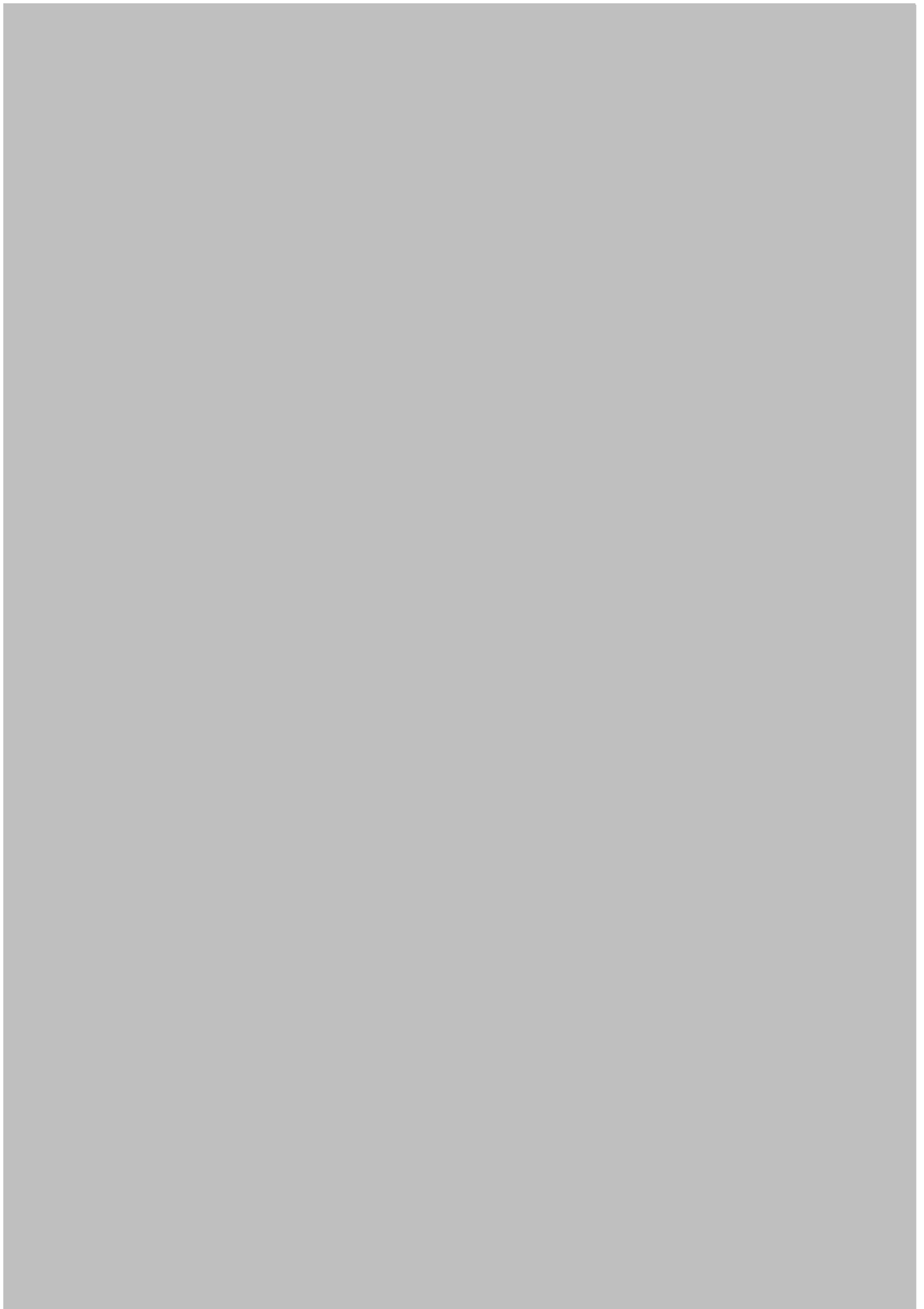














BRINDABELLA
CHRISTIAN COLLEGE

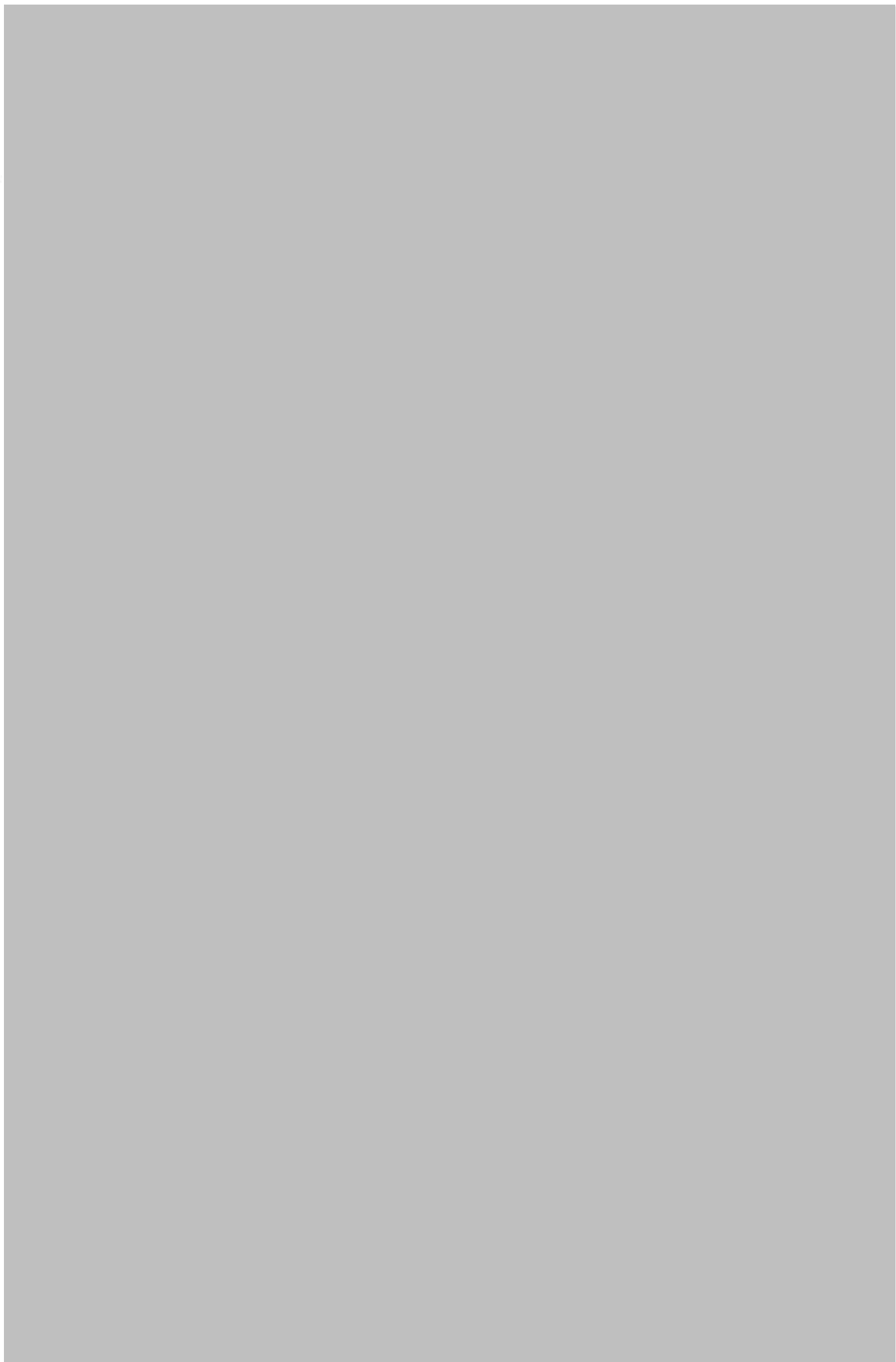
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BRINDABELLA
CHRISTIAN
COLLEGE

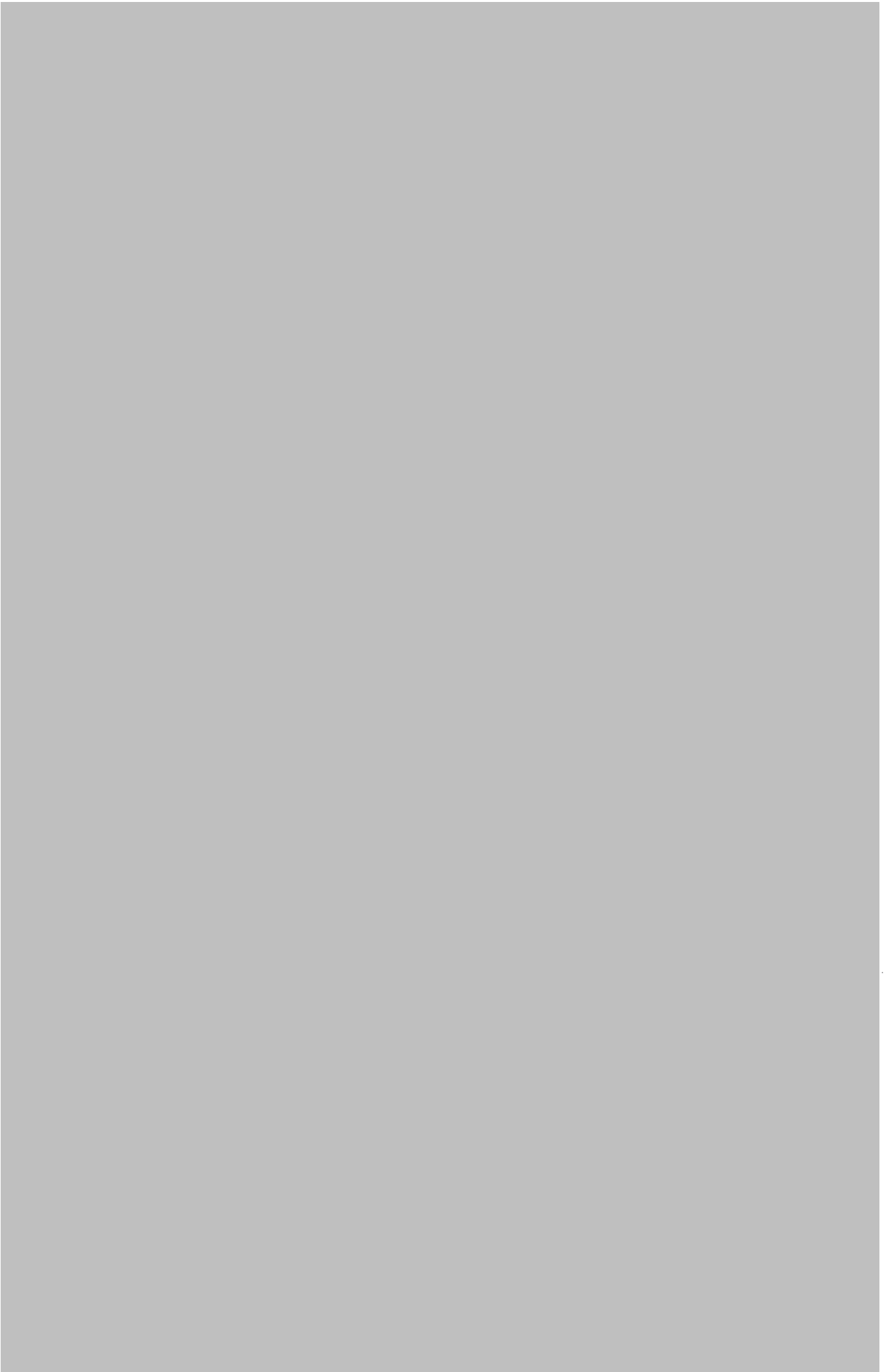
Sleeping and Rest Requirements
Policy

Updated August 2018 | due to be revised August 2021

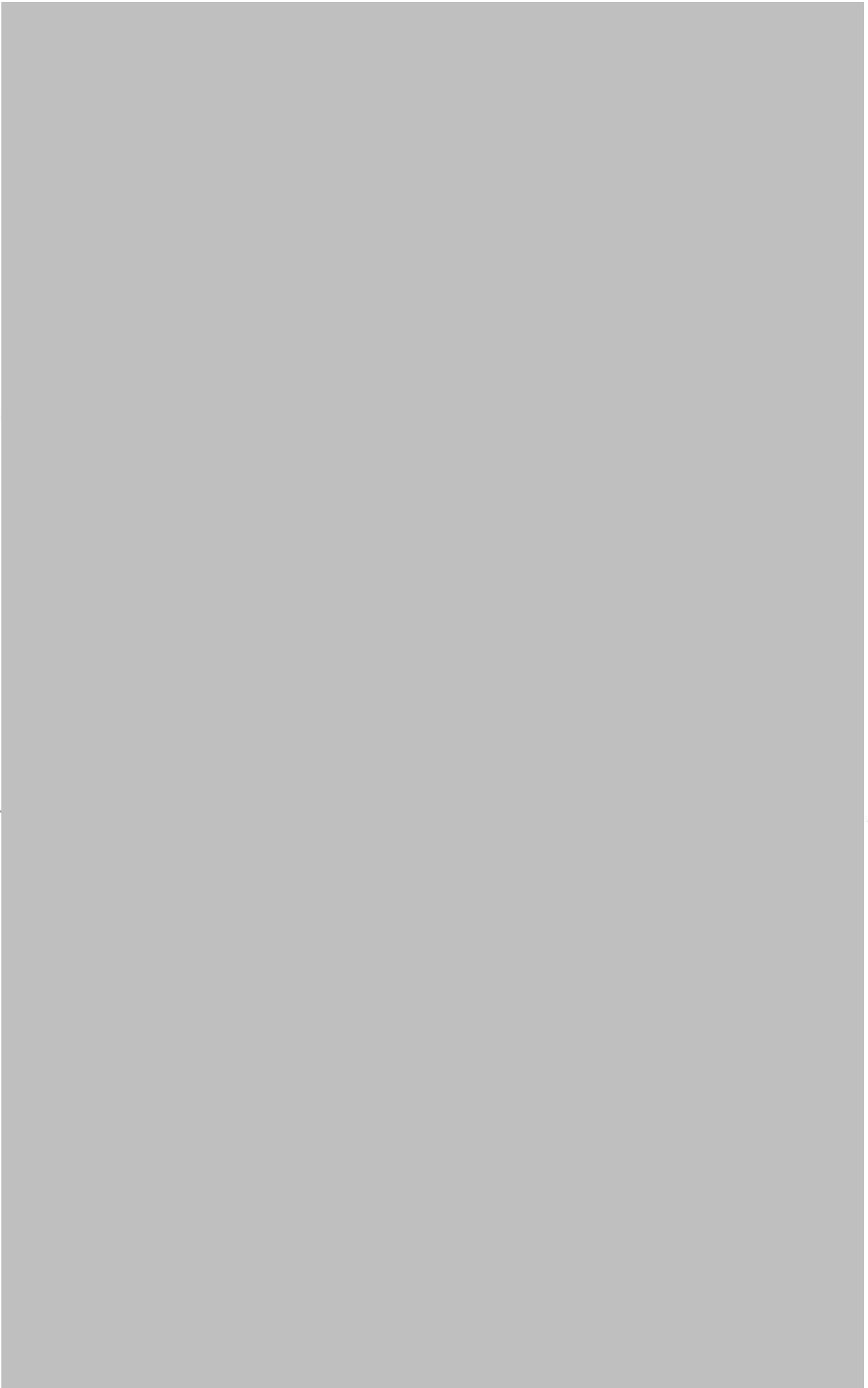


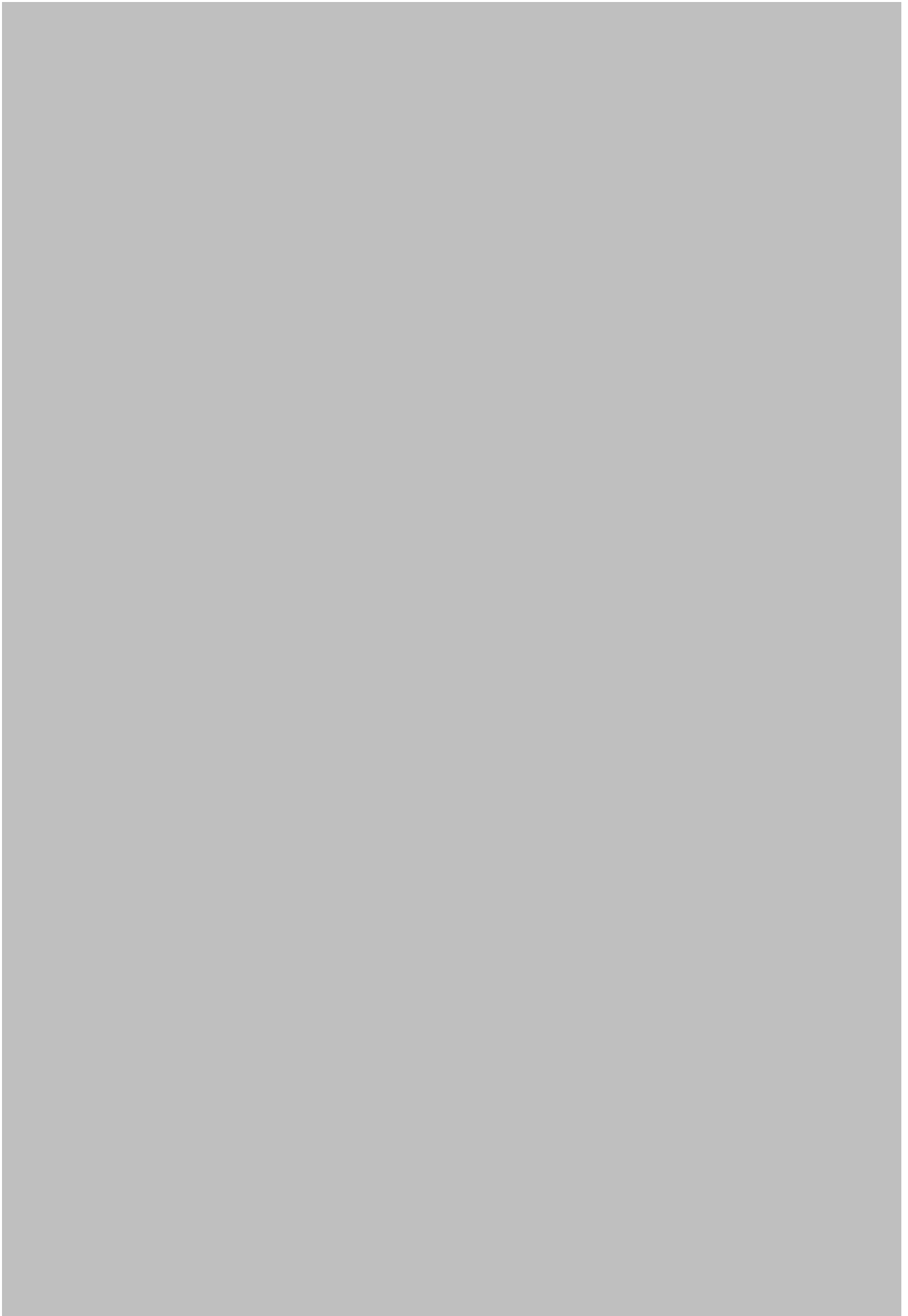












Fairburn, Janine

From: [REDACTED]@bcc.act.edu.au>
Sent: Wednesday, 29 May 2019 10:45 AM
To: Masterman, Tanya
Cc: [REDACTED]
Subject: RE: Brindabella Christian College ELC Charnwood Campus 25 Notice

Dear Tanya,

I have clarified with [REDACTED] and the team and we have determined that [REDACTED] was called upon to cover breaks in [REDACTED] as there were only [REDACTED] infants in [REDACTED] however [REDACTED] has forgotten to sign out of [REDACTED]. Please be assured that all staff and ratios were maintained at all times. [REDACTED] has since reminded all staff in their diligence of signing in and out of rooms. Up until 9:30am children are family grouped [REDACTED] then transition into their own space. Throughout the day [REDACTED] combine in shared experiences.

Regards



From: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Sent: Wednesday, 29 May 2019 10:07 AM
To: [REDACTED]@bcc.act.edu.au>
Subject: RE: Brindabella Christian College ELC Charnwood Campus 25 Notice

UNCLASSIFIED

Dear [REDACTED]

Thank you for your response. I note that there were [REDACTED] children in [REDACTED] on 14 May 2019 (all having arrived by 8:45) and working directly with children records provided do not indicate anyone providing break cover.

Could you please clarify?

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611

GPO Box 158 Canberra ACT 2601
www.education.act.gov.au

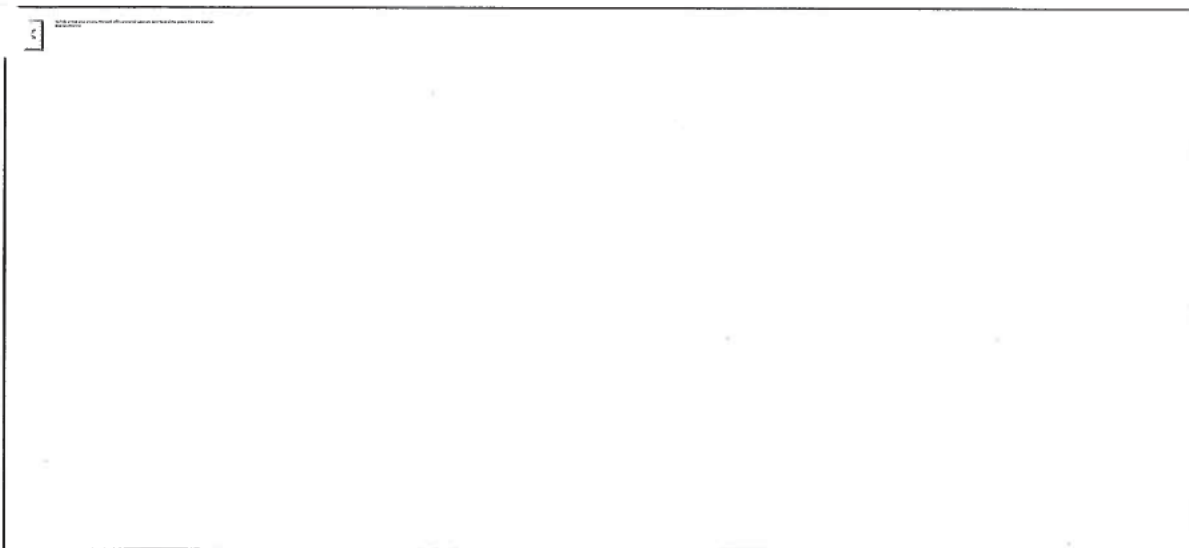
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From: [redacted] <[redacted]@bcc.act.edu.au>
Sent: Tuesday, 28 May 2019 11:26 AM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Cc: [redacted] <[redacted]@bcc.act.edu.au> [redacted] <[redacted]@bcc.act.edu.au>
Subject: Brindabella Christian College ELC Charnwood Campus 25 Notice

Dear Tanya,

Please see attached documentation relating to 215 Notice issued on Thursday 23 May 2019.
Please do not hesitate to contact me should you require any further information.

Regards



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Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 30 May 2019 3:25 PM
To: [REDACTED]
Subject: RE: Brindabella Christian College ELC Charnwood - Email from ACT Regulatory Authority

UNCLASSIFIED

Dear [REDACTED]

Thank you for your assistance; it's much appreciated.

Regards

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
GPO Box 158 Canberra ACT 2601
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From: [REDACTED] <[REDACTED]@bcc.act.edu.au>
Sent: Thursday, 30 May 2019 2:03 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Cc: [REDACTED] <[REDACTED]@bcc.act.edu.au>; [REDACTED] <[REDACTED]@bcc.act.edu.au>
Subject: FW: Brindabella Christian College ELC Charnwood - Email from ACT Regulatory Authority

Dear Tanya

Thank you for your inquiry.

I have looked into the request and can advise that [REDACTED] takes the ELC class in the [REDACTED] school area of the building. Please see attached sheet – signature bottom line [REDACTED]

[REDACTED]

Regards

[REDACTED]



From: "Masterman, Tanya" <Tanya.Masterman@act.gov.au>
Date: 30 May 2019 at 9:01:16 am AEST
To: [REDACTED]@bcc.act.edu.au>
Subject: Brindabella Christian College ELC Charnwood - Email from ACT Regulatory Authority

UNCLASSIFIED Sensitive

Dear [REDACTED]

I am an Authorised Officer for the ACT Regulatory Authority under the *Education and Care Services National Law*.

We are currently conducting a formal investigation into a complaint concerning certain educators in the Early Learning Centre.

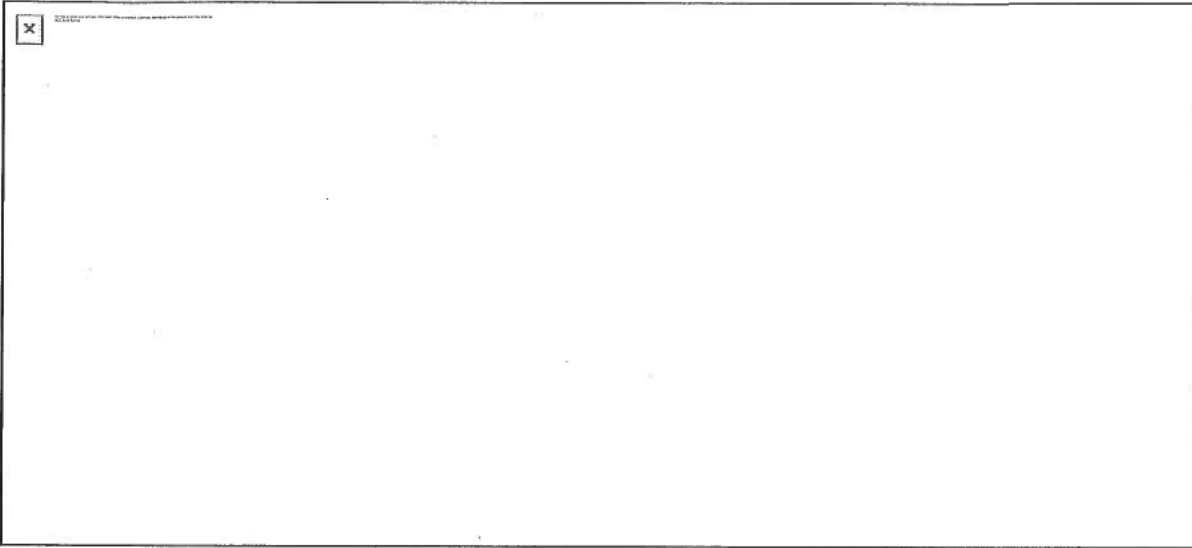
From information gathered, it appears that there is a [REDACTED] from the school who [REDACTED] children in the [REDACTED] on 14 May 2019 and I understand that is a regular occurrence.

The [REDACTED] is a **specified person** under section 206(4) of the *Education and Care Services National Law*, but their details were not provided with the staff records, presumably because they are employed by the school rather than the Early Learning Centre. Could you please provide their name and an email address so I can make arrangements to conduct an interview.

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 30 May 2019 3:47 PM
To: [REDACTED]
Subject: Early Learning Centre - ACT Regulatory Authority interview

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer under the *Education and Care Services National Law (National Law)*, which is the law under which the Brindabella Christian College Early Learning Centre – Charnwood operates.

The ACT Regulatory Authority has received a complaint alleging that offences under the *National Law* have occurred at the Early Learning Centre and is conducting a formal investigation.

Please be assured that there is no suggestion of any wrongdoing on your part but I believe you may be able to provide relevant evidence as a witness.

We generally conduct witness interviews at our office in Stirling. Could you please advise your availability to attend an interview, preferably next week?

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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Fairburn, Janine

From: Masterman, Tanya
Sent: Monday, 3 June 2019 12:51 PM
To: [REDACTED]
Subject: FW: Early Learning Centre - ACT Regulatory Authority interview

UNCLASSIFIED

Dear [REDACTED]

I refer to my email of last Thursday. Could you please get in touch with me urgently to arrange an appropriate time to attend an interview? I attempted to telephone you at work today but was advised you were not in.

As a **specified person** under the *National Law*, it is compulsory to appear before the Regulatory Authority if required, but we do try and arrange interviews at times which are convenient to witnesses.

I look forward to hearing from you.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

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Phone Call



Phone Call ID
ACTPC-00229858

Status
Completed

Owner
 Tanya Masterman

Details

Phone Call Details

Activities & Notes

Phone Call ID ACTPC-00229858

Subject



Regarding ING-00067181

Regarding (Text) Brindabella Christian College Early Learning Centre
Charnwood

Call From Tanya
Masterman

Call To

Phone Number Direction Outgoing

Phone Call Date 3/06/2019

Description

The email address and phone number we have are both incorrect, so did not receive the section 215 notice I sent last week.

We arranged that will come in at 3pm on Thursday 6 June 2019.

Additional Details

Date Created 3/06/2019 1:37 PM Priority Normal

Due Date Category

Duration 1 minute Sub-Category

Fairburn, Janine

From: Masterman, Tanya
Sent: Wednesday, 5 June 2019 8:35 AM
To: [REDACTED]
Subject: FW: Early Learning Centre - ACT Regulatory Authority interview

UNCLASSIFIED

Dear [REDACTED]

I refer to my email of last Thursday, and my telephone message and email of Monday. Could you please urgently respond to my email to advise of some convenient times for interview at our office at Stirling?

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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I look forward to hearing from you.

Yours sincerely

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Subject: Early Learning Centre - ACT Regulatory Authority interview

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We generally conduct witness interviews at our office in Stirling. Could you please advise your availability to attend an interview, preferably next week?

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
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Children's Education and Care Assurance

Date: 6 June 2019

Time: 3:00pm

Location: Hedley Beare Centre, 51 Fremantle Drive Stirling, ACT

STATEMENT in the matter of: Brindabella Christian College ELC - Charnwood



