

**Fairburn, Janine**

---

**From:** Masterman, Tanya  
**Sent:** Tuesday, 8 October 2019 9:20 AM  
**To:** Green, Jennifer  
**Subject:** FW: Brindabella Christian College Compliance Notice section 177 Response  
**Importance:** High

UNCLASSIFIED

FYI

**Tanya Masterman** | A/g Assistant Director  
 Phone 02 6205 2012 | Email [tanya.masterman@act.gov.au](mailto: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](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [CECA Facebook](#)

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

**From:** [REDACTED]  
**Sent:** Saturday, 5 October 2019 11:15 PM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>; Fairburn, Janine <[Janine.Fairburn@act.gov.au](mailto:Janine.Fairburn@act.gov.au)>;  
 DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** [REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>; [REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>  
**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response  
**Importance:** High

Dear Tanya,

**WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE**

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED] As is additionally the case with our highly respected [REDACTED] Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental

Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a disregard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] at the College and discussed the matter. In [REDACTED] opinion, not one I held personally, [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a [REDACTED] child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.

Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding a [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.



*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

Begin forwarded message:

**From:** [redacted] <[redacted]@bcc.act.edu.au>  
**Subject:** Brindabella Christian College Compliance Notice section 177 Response  
**Date:** 4 October 2019 at 4:28:33 pm AEST  
**To:** "Masterman, Tanya" <Tanya.Masterman@act.gov.au>  
**Cc:** [redacted] <[redacted]@bcc.act.edu.au>

Dear Tanya,

Please see attached response and documentation relating to 177 Notice issued on Friday 20 September 2019. Due to the amount of supporting documentation I will be sending this through in 2 separate emails.

Please do not hesitate to contact me should you require any further information.

Regards



The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient

**Fairburn, Janine**

---

**From:** Finch, Madeleine on behalf of DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 11:39 AM  
**To:** [REDACTED] Masterman, Tanya; Fairburn, Janine; DGEDUoffice  
**Cc:** [REDACTED]  
**Subject:** RE: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED

Dear [REDACTED]

Thank you for your email. I will ensure this receives appropriate attention.

Kind regards

**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General

Education Directorate | ACT Government

T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)

Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Saturday, 5 October 2019 11:15 PM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>; Fairburn, Janine <[Janine.Fairburn@act.gov.au](mailto:Janine.Fairburn@act.gov.au)>;  
 DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** [REDACTED]@bcc.act.edu.au; [REDACTED]@bcc.act.edu.au  
**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response

Dear Tanya,

**WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE**

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED]. As is additionally the case with our highly respected [REDACTED] Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a disregard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] the College and discussed the matter. In [REDACTED] opinion, not one I held personally, [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a [REDACTED] child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.

Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.

**Fairburn, Janine**

---

**From:** Finch, Madeleine on behalf of DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 11:43 AM  
**To:** Masterman, Tanya; DGEDUoffice  
**Cc:** Brookes, Clare  
**Subject:** RE: FOR ACTION: EDU19/1853: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Thank you :)

**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General

**Education Directorate** | ACT Government

T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)

Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

---

**From:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>  
**Sent:** Tuesday, 8 October 2019 11:42 AM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Brookes, Clare <[Clare.Brookes@act.gov.au](mailto:Clare.Brookes@act.gov.au)>  
**Subject:** RE: FOR ACTION: EDU19/1853: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Thank you Maddie. I spoke briefly with Clare Brookes (A/g Executive Branch Manager) about the email this morning and an appropriate response will be prepared.

Kind regards

**Tanya Masterman** | A/g Assistant Director  
 Phone 02 6205 2012 | Email [tanya.masterman@act.gov.au](mailto: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](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [CECA Facebook](#)

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

---

**From:** Finch, Madeleine <[Madeleine.Finch@act.gov.au](mailto:Madeleine.Finch@act.gov.au)> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 11:34 AM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>  
**Cc:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; King, Meg <[Meg.King@act.gov.au](mailto:Meg.King@act.gov.au)>  
**Subject:** FOR ACTION: EDU19/1853: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Dear Tanya

I have trimmed the below email to CECA for advice/appropriate response.

I have acknowledged the original email.

Kind regards

**Maddie Finch** | Executive Support Officer to  
Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

---

**From:** Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Sent:** Tuesday, 8 October 2019 10:39 AM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Parkinson, Andrew <[Andrew.Parkinson@act.gov.au](mailto:Andrew.Parkinson@act.gov.au)>; Gotts, Robert <[Robert.Gotts@act.gov.au](mailto:Robert.Gotts@act.gov.au)>; Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Subject:** RE: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Dear Maddie

Please trim to CECA and ensure Governance (Danielle is copied in). Please acknowledge corro.

Regards  
Meg

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

---

**From:** Finch, Madeleine <[Madeleine.Finch@act.gov.au](mailto:Madeleine.Finch@act.gov.au)> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 10:17 AM  
**To:** Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Subject:** FW: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

FYI – will acknowledge and TRIM. Please confirm G&CL appropriate area?

**Maddie Finch** | Executive Support Officer to  
Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [REDACTED]  
**Sent:** Saturday, 5 October 2019 11:15 PM  
**To:** Masterman, Tanya <Tanya.Masterman@act.gov.au>; Fairburn, Janine <Janine.Fairburn@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>  
**Cc:** [REDACTED]@bcc.act.edu.au>; [REDACTED]@bcc.act.edu.au>  
**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response  
**Importance:** High

Dear Tanya,

**WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE**

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED] As is additionally the case with our highly respected [REDACTED] Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a regard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] at the College and discussed the matter. In [REDACTED] opinion, not one I held personally, [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a [REDACTED] child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious

misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.

Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding a [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.



***The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient***

Begin forwarded message:

**From:** [REDACTED] <[REDACTED]@bcc.act.edu.au>  
**Subject:** Brindabella Christian College Compliance Notice section 177 Response  
**Date:** 4 October 2019 at 4:28:33 pm AEST  
**To:** "Masterman, Tanya" <Tanya.Masterman@act.gov.au>  
**Cc:** [REDACTED] <[REDACTED]@bcc.act.edu.au>

Dear Tanya,

Please see attached response and documentation relating to 177 Notice issued on Friday 20 September 2019. Due to the amount of supporting documentation I will be sending this through in 2 separate emails.

Please do not hesitate to contact me should you require any further information.

Regards



The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient

Fairburn, Janine

---

**From:** [REDACTED]  
**Sent:** Tuesday, 8 October 2019 12:23 PM  
**To:** DGEDUoffice  
**Cc:** Masterman, Tanya; Fairburn, Janine; [REDACTED]  
**Subject:** Re: Brindabella Christian College Compliance Notice section 177 Response

FYI - [REDACTED]

Hi [REDACTED]

Story is online here. And as I said I did check my facts - with the directorate and agency running the investigations more than once who said they were now formal. Are you disputing what they are saying?

I am still happy to add in extra comment from the board to the story before it runs in print today. [REDACTED]

[REDACTED]

Best,  
[REDACTED]

On 8 Oct 2019, at 12:01 pm, [REDACTED] wrote:

Thank you Maddie,

Working out if I am a fit & proper person on a staff member supposedly saying a [REDACTED] actions were "feral", and my seeking a senior member of staff's opinion to respond, to then end up having this leaked to the [REDACTED] as the College Governance being investigated by the ACT Government is a well thought out attempt to crucify our College in the Media by a select few we are fully aware of.

[REDACTED]

<BCC Clear.png>

*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

**Fairburn, Janine**

---

**From:** Finch, Madeleine on behalf of DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 4:35 PM  
**To:** Brighton, Meg  
**Cc:** Parkinson, Andrew; Gotts, Robert; Krajina, Danielle; Masterman, Tanya  
**Subject:** FW: Letter from Registrar of NGS - 8 October 2019  
**Attachments:** Ltr from Registrar of NGS to principal and board chair of BCC - 8 October 2019.pdf

UNCLASSIFIED

FYI - Added to TRIM

**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General

**Education Directorate** | ACT Government

T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)

Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [REDACTED]  
**Sent:** Tuesday, 8 October 2019 3:59 PM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** [REDACTED]@bcc.act.edu.au; [REDACTED]  
**Subject:** Fwd: Letter from Registrar of NGS - 8 October 2019

Dear Director General,

In furtherance of our earlier communications of today, I take it that this additional enquiry on top of the original general enquiry by Ms Lynda Tooth, Senior Director Non-Government Education Regulation as a person authorised under S. 119 of the *Education Act 2004* (the Act) to investigate the compliance of non-government schools with the Act, including conditions of registration, who recently visited Brindabella Christian College to inspect elements of the school and inquire into the school's compliance along with numerous other schools, that the [REDACTED] was referring to this letter that they had been briefed on last week?

Could we also please ascertain from comments made in the letter whether the "large number of complaints" were actually made by existing staff or parents of the College at the time of the complaints being made please? A physical number of how many out of the total number would be helpful given the legal and legislative implications.





*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

Begin forwarded message:

**From:** Education Directorate <EducationDirectorate@act.gov.au>

**Subject:** Letter from Registrar of NGS - 8 October 2019

**Date:** 8 October 2019 at 3:41:43 pm AEDT

**To:** [redacted]@bcc.act.edu.au" [redacted]@bcc.act.edu.au>, [redacted]  
[redacted]

UNCLASSIFIED .

Dear [redacted]

Please find attached a letter from the Registrar of Non-government Schools.

**Education Directorate**

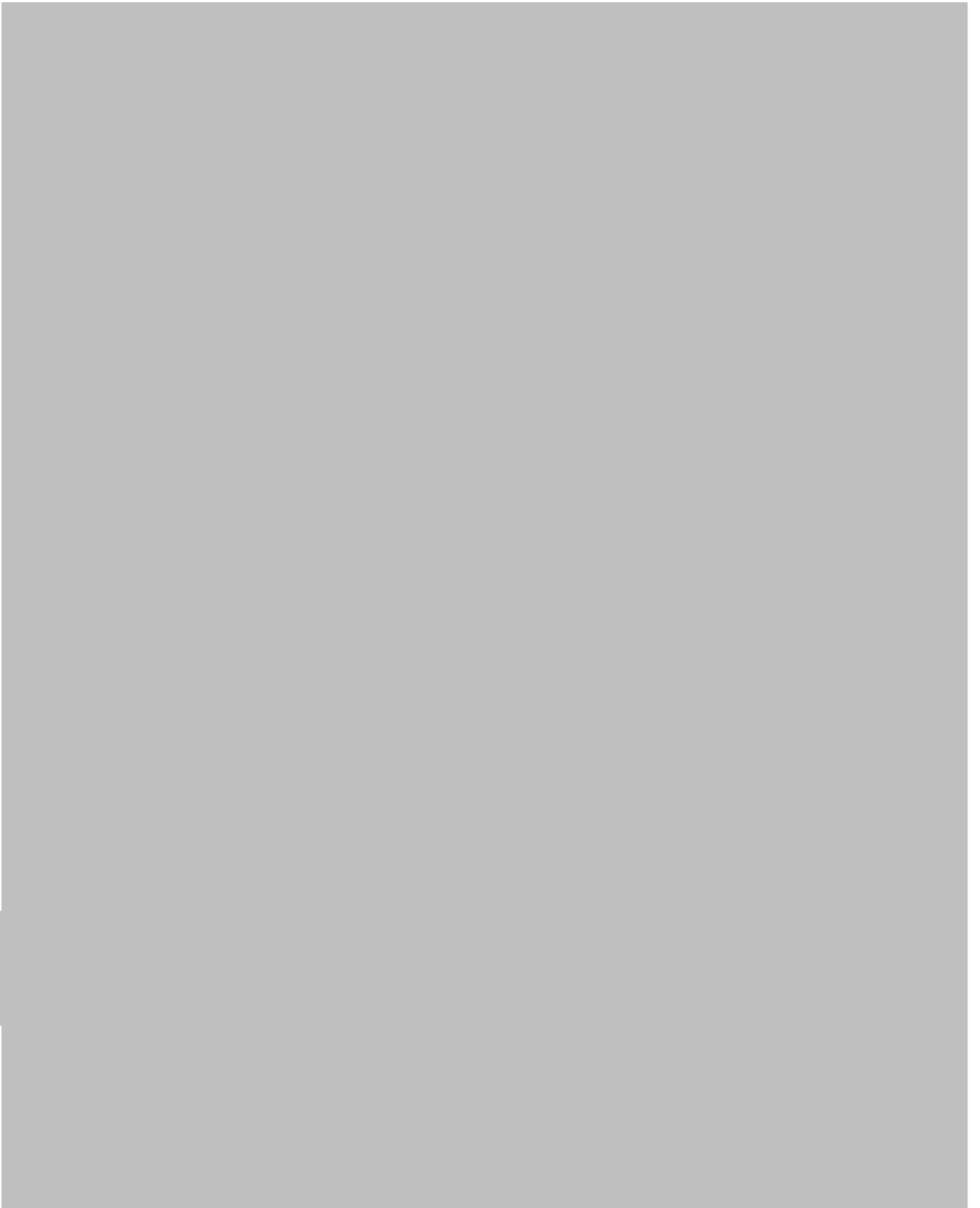
-----  
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents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



**ACT**  
Government  
Education







**Fairburn, Janine**

---

**From:** Finch, Madeleine on behalf of DGEDUoffice  
**Sent:** Wednesday, 9 October 2019 8:33 AM  
**To:** Brighton, Meg  
**Cc:** Parkinson, Andrew; Krajina, Danielle; Gotts, Robert; Masterman, Tanya  
**Subject:** FW: Formal Complaint

UNCLASSIFIED

FYI

**Maddie Finch** | Executive Support Officer to  
Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [REDACTED]  
**Sent:** Tuesday, 8 October 2019 8:03 PM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** Formal Complaint

Dear Director General,

Could you please advise if we were to make a formal complaint into the actions of specific Departmental staff, who do we do this to and through what mechanism, or does this go to the ACT's Government's new Integrity and Anti-corruption Commission for review?



*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

**Fairburn, Janine**

---

**From:** Brookes, Clare  
**Sent:** Friday, 11 October 2019 8:01 AM  
**To:** Green, Jennifer  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Hi Jen

Thanks for your great work on this. I'll follow up with Maddie today and have also spoken to Robert who has suggested a way forward. Leave it with me.

Kind Regards

Clare Brookes  
 S/Executive Branch Manager, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government  
 P 02 6207 2143 M 0481 003 833

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

**From:** Green, Jennifer <Jennifer.Green@act.gov.au>  
**Sent:** Thursday, 10 October 2019 4:50 PM  
**To:** Brookes, Clare <Clare.Brookes@act.gov.au>  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Hi Clare,

Thanks for getting in touch with Maddie regarding this response.

As discussed, please find a link below to the draft brief if you would like to review it.

**Draft brief**

G:\Regulation and Compliance\CECA\2019\ADVICE\2. Director General\EDU19 1853 Brindabella Christian College Compliance Notice section 177 Response\EDU19 1853 Brindabella Christian College Compliance Notice section 177 Response.docx

**Folder**

G:\Regulation and Compliance\CECA\2019\ADVICE\2. Director General\EDU19 1853 Brindabella Christian College Compliance Notice section 177 Response\

Depending on Maddie's response however I propose the following options.

**If the DG would like only CECA to respond** – We upload the response to TRIM, note the response and close the container.

**If the DG would like to send an additional response** – We finalise the brief above and draft a letter, AND we request the information highlighted as required in the brief from G&CL for both the brief and the letter.

Kind regards,

Jen

Jen Green\* | Early Childhood Regulatory Policy and Coordination  
 02 6207 5439 | [Jennifer.Green@act.gov.au](mailto:Jennifer.Green@act.gov.au)  
 Early Childhood Policy & Regulation | System Policy & Reform | Education | ACT Government  
 51 Fremantle Drive, Stirling | GPO Box 158 Canberra ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [CECA Facebook](#)  
 \*(my pronouns are either they/them or she/her)

I acknowledge the traditional custodians of the ACT and their continuing connection to land and community. I pay my respect to their culture and to elders both past and present.

**From:** Brookes, Clare <[Clare.Brookes@act.gov.au](mailto:Clare.Brookes@act.gov.au)>  
**Sent:** Thursday, 10 October 2019 4:08 PM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Green, Jennifer <[Jennifer.Green@act.gov.au](mailto:Jennifer.Green@act.gov.au)>  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

i Maddie

[REDACTED] Could you please give me a call when you get back into the office to let me know Meg's expectations re the response. I have written to them about the ECPR investigation but did Meg also want to respond and address the other issues raised?

Kind Regards

Clare Brookes  
 A/g Executive Branch Manager, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government  
 P 02 6207 2143 M 0481 003 833

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

**From:** Finch, Madeleine <[Madeleine.Finch@act.gov.au](mailto:Madeleine.Finch@act.gov.au)> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 11:43 AM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>; DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Brookes, Clare <[Clare.Brookes@act.gov.au](mailto:Clare.Brookes@act.gov.au)>  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Thank you :)

**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
 T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
 Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>  
**Sent:** Tuesday, 8 October 2019 11:42 AM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>

Cc: Brookes, Clare <Clare.Brookes@act.gov.au>

Subject: RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Thank you Maddie. I spoke briefly with Clare Brookes (A/g Executive Branch Manager) about the email this morning and an appropriate response will be prepared.

Kind regards

**Tanya Masterman** | A/g Assistant Director  
 Phone 02 6205 2012 | Email [tanya.masterman@act.gov.au](mailto: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](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [CECA Facebook](#)

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

**From:** Finch, Madeleine <[Madeleine.Finch@act.gov.au](mailto:Madeleine.Finch@act.gov.au)> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 11:34 AM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>  
**Cc:** Krajina, Danielle <[Danielle.Krajina@act.gov.au](mailto:Danielle.Krajina@act.gov.au)>; King, Meg <[Meg.King@act.gov.au](mailto:Meg.King@act.gov.au)>  
**Subject:** FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Dear Tanya

I have trimmed the below email to CECA for advice/appropriate response.

I have acknowledged the original email.

Kind regards

**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
 T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
 Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Sent:** Tuesday, 8 October 2019 10:39 AM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Parkinson, Andrew <[Andrew.Parkinson@act.gov.au](mailto:Andrew.Parkinson@act.gov.au)>; Gotts, Robert <[Robert.Gotts@act.gov.au](mailto:Robert.Gotts@act.gov.au)>; Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Subject:** RE: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Dear Maddie

Please trim to CECA and ensure Governance (Danielle is copied in). Please acknowledge corro.

Regards  
Meg

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

**From:** Finch, Madeleine <[Madeleine.Finch@act.gov.au](mailto:Madeleine.Finch@act.gov.au)> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 10:17 AM  
**To:** Brighton, Meg <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Subject:** FW: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

FYI – will acknowledge and TRIM. Please confirm G&CL appropriate area?

**Maddie Finch** | Executive Support Officer to  
Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [REDACTED]  
**Sent:** Saturday, 5 October 2019 11:15 PM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>; Fairburn, Janine <[Janine.Fairburn@act.gov.au](mailto:Janine.Fairburn@act.gov.au)>;  
DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** [REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>; [REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>  
**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response  
**Importance:** High

Dear Tanya,

#### WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED] As is additionally the case with our highly respected [REDACTED] Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a disregard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] at the College and discussed the matter. In [REDACTED] opinion, not one I held personally, [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a [REDACTED] child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.

Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding a [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.



*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

Begin forwarded message:

**From:** [redacted] <[redacted]@bcc.act.edu.au>  
**Subject:** Brindabella Christian College Compliance Notice section 177 Response  
**Date:** 4 October 2019 at 4:28:33 pm AEST  
**To:** "Masterman, Tanya" <Tanya.Masterman@act.gov.au>  
**Cc:** [redacted] <[redacted]@bcc.act.edu.au>

Dear Tanya,

Please see attached response and documentation relating to 177 Notice issued on Friday 20 September 2019. Due to the amount of supporting documentation I will be sending this through in 2 separate emails.

Please do not hesitate to contact me should you require any further information.

Regards



The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in

error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient

**Fairburn, Janine**

---

**From:** Brookes, Clare  
**Sent:** Friday, 11 October 2019 1:13 PM  
**To:** Krajina, Danielle  
**Cc:** Green, Jennifer  
**Subject:** Brindabella College Complaint  
**Attachments:** [REDACTED] Brindabella Christian College Compliance Notice section 177 Response.docx; Fwd: Letter from Registrar of NGS - 8 October 2019; Letter to [REDACTED] in response.pdf; RE: Brindabella Christian College Compliance Notice section 177 Response; Re: Brindabella Christian College Compliance Notice section 177 Response; Re: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED

Dear Danielle

Good to speak to you this morning. Please find attached the complaint, our response to [REDACTED] and the draft brief for the DG. We have been working on this under [REDACTED]. Please let me know if you need us to do anything further otherwise we'll close this off on TRIM and make reference to liaison with your area.

Kind Regards

Clare Brookes

A/g Executive Branch Manager, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government

P 02 6207 2143 M 0481 003 833

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



[REDACTED]  
 Person with Management or Control  
 Brindabella Christian Education Ltd  
 T/A Brindabella Christian College Early Learning Centre – Charnwood

Email: [REDACTED]

Dear [REDACTED]

**Brindabella Christian College Early Learning Centre - Charnwood**

1. I refer to your email of 5 October 2019 (received by the Authority on 8 October 2019). This letter seeks to address some misconceptions or misunderstandings about the Regulatory Authority's recent decision to issue a compliance notice to the Provider.
2. As you are aware, the *Education and Care Services National Law Act 2010* (the *National Law*) has been adopted in the ACT by the *Education and Care Services National Law (ACT) Act 2011* and is the statute which governs all early education and care services in the ACT.
3. Each state and territory has a Regulatory Authority under the *National Law*. Although the ACT Regulatory Authority (also known as Children's Education and Care Assurance) is part of the ACT Education Directorate, it carries out its functions under section 260 of the *National Law*.
4. Accordingly, it is the legislation under which the Brindabella Christian College Early Learning Centre – Charnwood SE-00011290 (the Service) is regulated.
5. The approved provider of the Service is the corporate entity Brindabella Christian Education Ltd - PR-00005809 (the Provider).
6. Section 12 of the *National Law* requires that, if an applicant for a provider approval is not an individual, the Regulatory Authority must be satisfied that each person who will be a person with management or control of an education and care service to be operated by the applicant is a fit and proper person to be involved in the provision of an education and care service.
7. A **person with management or control** is defined in section 5 of the *National Law* as follows:
  - a. *if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service.*
8. The notified persons with management or control of the Provider, as of 20 September 2019 (the date the Compliance Notice was issued) were [REDACTED]. The decision and compliance notice may be forwarded to any person with management and control as a representative of the Provider, however it is the Provider which is the entity subject to the Notice.
9. The *National Law* contains various offences, the majority of which are contained in Part 6 – Operating an Education and Care Service. Those offences apply to Providers, Nominated Supervisors and, in the case of section 166 (inappropriate discipline), to individual educators, as specified. There are no offences that apply to a person with management and control.

10. Accordingly, it was the Provider as a corporate entity, which the Authority made findings against, rather than [REDACTED] as a person with management or control of the Provider. In your email under reply, you state that you “personally received a ‘show cause notice’ and advised [I] contravened section 166(1) of the Law and referring to the inappropriate discipline” (sic). That is not correct; no findings were made against [REDACTED] as an individual and there are no offences under the *National Law* that apply to a person with management and control.
11. The response to the show cause notice dated 2 August 2019, was considered by the Authority on behalf of the corporate Provider (not yourself as an individual). It is not the function of this letter to revisit the Authority’s reasons for Decision, but your email indicated a misunderstanding of what is required by the Decision; which the Authority seeks to clarify. You have stated that, “the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided” (sic).
12. The Decision states (at paragraph 67) that, “accordingly, the Authority requires that each person with management and control under assessment or reassessment (as the case may be) of fitness and propriety. This will be carried out within one month of completion of the required training specified in the attached Compliance Notice.”
13. The current persons with management or control of the Provider, being [REDACTED] [REDACTED] are all required to undertake the training and assessment (or reassessment) of fitness and propriety. That decision is based on the evidence supporting the substantiated offences and the Provider’s response to show cause, rather than on the single incident of an educator telling a child “you’ve been feral today” or words to that effect.
14. In your email, you have noted that “at the same time as providing the response to your Compliance Notice Section 177 on Friday the 4<sup>th</sup>, we were advised by [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.”
15. I confirm that the Regulatory Authority has not published the issue of the Compliance Notice to any entity. It is noted that the article in [REDACTED] published yesterday refers to an Authorised person review under the *Education Act 2004*. Any such review has no connection with the recent investigation and compliance action under the *National Law* and is under different legislation.
16. I trust the above information clarifies any misunderstandings about the Regulatory Authority’s functions, scope of regulation and the requirements of the Compliance Notice.

Yours Sincerely

[REDACTED]  
Clare Brookes  
A/g Executive Branch Manager  
Children’s Education and Care Assurance  
Early Childhood Policy and Regulation  
ACT Education Directorate

9 October 2019

**Fairburn, Janine**

---

**From:** Brighton, Meg  
**Sent:** Tuesday, 8 October 2019 10:39 AM  
**To:** DGEDUoffice  
**Cc:** Parkinson, Andrew; Gotts, Robert; Brighton, Meg  
**Subject:** RE: Brindabella Christian College Compliance Notice section 177 Response

**Categories:** EA FOR ACTION

UNCLASSIFIED Sensitive: Legal

Dear Maddie

Please trim to CECA and ensure Governance (Danielle is copied in). Please acknowledge corro.

Regards  
 leg

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

**From:** Finch, Madeleine <Madeleine.Finch@act.gov.au> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 10:17 AM  
**To:** Brighton, Meg <Meg.Brighton@act.gov.au>  
**Subject:** FW: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

/l – will acknowledge and TRIM. Please confirm G&CL appropriate area?

**Maddie Finch** | *Executive Support Officer to  
 Meg Brighton, Director-General  
 Education Directorate* | ACT Government  
 T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
 Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [REDACTED]  
**Sent:** Saturday, 5 October 2019 11:15 PM  
**To:** Masterman, Tanya <Tanya.Masterman@act.gov.au>; Fairburn, Janine <Janine.Fairburn@act.gov.au>;  
 DGEDUoffice <DGEDUoffice@act.gov.au>  
**Cc:** [REDACTED]@bcc.act.edu.au; [REDACTED]@bcc.act.edu.au  
**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response  
**Importance:** High

Dear Tanya,

**WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE**

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED]. As is additionally the case with our highly respected [REDACTED] of Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a disregard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] at the College and discussed the matter. In [REDACTED] opinion, not one I held personally [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a [REDACTED] child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.

Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding a [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more

sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.



***The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient***

Begin forwarded message:

**From:** [REDACTED] <[REDACTED]@bcc.act.edu.au>  
**Subject:** Brindabella Christian College Compliance Notice section 177 Response  
**Date:** 4 October 2019 at 4:28:33 pm AEST  
**To:** "Masterman, Tanya" <Tanya.Masterman@act.gov.au>  
**Cc:** [REDACTED] <[REDACTED]@bcc.act.edu.au>

Dear Tanya,

Please see attached response and documentation relating to 177 Notice issued on Friday 20 September 2019. Due to the amount of supporting documentation I will be sending this through in 2 separate emails.

Please do not hesitate to contact me should you require any further information.

Regards





The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient

Fairburn, Janine

---

**From:** [REDACTED]  
**Sent:** Tuesday, 8 October 2019 12:23 PM  
**To:** DGEDUoffice  
**Cc:** Masterman, Tanya; Fairburn, Janine; [REDACTED]  
**Subject:** Re: Brindabella Christian College Compliance Notice section 177 Response

FYI - [REDACTED]

Hi [REDACTED]

Story is online here. And as I said I did check my facts - with the directorate and agency running the investigations more than once who said they were now formal. Are you disputing what they are saying?

I am still happy to add in extra comment from the board to the story before it runs in print today [REDACTED]

[REDACTED]

Best,  
[REDACTED]

On 8 Oct 2019, at 12:01 pm, [REDACTED] wrote:

Thank you Maddie,

Working out if I am a fit & proper person on a staff member supposedly saying a [REDACTED] actions were "feral", and my seeking a senior member of staff's opinion to respond, to then end up having this leaked to the [REDACTED] as the College Governance being investigated by the ACT Government is a well thought out attempt to crucify our College in the Media by a select few we are fully aware of.

[REDACTED]

<BCC Clear.png>

*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on [+61 2 6247 4644](tel:+61262474644) and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

On 8 Oct 2019, at 11:39 am, DGEDUoffice <DGEDUoffice@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]

Thank you for your email. I will ensure this receives appropriate attention.

Kind regards

**Maddie Finch** | Executive Support Officer to

Meg Brighton, Director-General

**Education Directorate** | ACT Government

T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)

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

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

**From:** [REDACTED]

**Sent:** Saturday, 5 October 2019 11:15 PM

**To:** Masterman, Tanya <Tanya.Masterman@act.gov.au>; Fairburn, Janine <Janine.Fairburn@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>

**Cc:** T [REDACTED] @bcc.act.edu.au; [REDACTED]

[REDACTED] @bcc.act.edu.au>

**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response

Dear Tanya,

**WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE**

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED]

[REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED]

[REDACTED] As is additionally the case with our highly respected [REDACTED] Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a disregard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] [REDACTED] at the College and discussed the matter. In [REDACTED] opinion, not one I held personally, [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a 2-year old child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department. Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding a [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.

<image002.png>

*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

Begin forwarded message:

**From** [redacted]@bcc.act.edu.au>

**Subject: Brindabella Christian College Compliance Notice section 177 Response**

**Date:** 4 October 2019 at 4:28:33 pm AEST

**To:** "Masterman, Tanya" <Tanya.Masterman@act.gov.au>

**Cc:** [redacted]  
[redacted]@bcc.act.edu.au>

Dear Tanya,

Please see attached response and documentation relating to 177 Notice issued on Friday 20 September 2019. Due to the amount of supporting documentation I will be sending this through in 2 separate emails.

Please do not hesitate to contact me should you require any further information.

Regards



The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient

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

**Fairburn, Janine**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 8 October 2019 12:01 PM  
**To:** DGEDUoffice  
**Cc:** Masterman, Tanya; Fairburn, Janine; [REDACTED]  
**Subject:** Re: Brindabella Christian College Compliance Notice section 177 Response

Thank you Maddie,

Working out if I am a fit & proper person on a staff member supposedly saying a [REDACTED] actions were "feral", and my seeking a senior member of staff's opinion to respond, to then end up having this leaked to the [REDACTED] as the College Governance being investigated by the ACT Government is a well thought out attempt to crucify our College in the Media by a select few we are fully aware of.



*The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient*

Sent from my iPhone

On 8 Oct 2019, at 11:39 am, DGEDUoffice <DGEDUoffice@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]  
 Thank you for your email. I will ensure this receives appropriate attention.  
 Kind regards  
**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General  
 Education Directorate | ACT Government  
 T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)

Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 |  
[www.education.act.gov.au](http://www.education.act.gov.au)

**From:** [REDACTED]

**Sent:** Saturday, 5 October 2019 11:15 PM

**To:** Masterman, Tanya <Tanya.Masterman@act.gov.au>; Fairburn, Janine <Janine.Fairburn@act.gov.au>; DGEDUoffice <DGEDUoffice@act.gov.au>

**Cc:** [REDACTED]@bcc.act.edu.au>; [REDACTED]@bcc.act.edu.au>

**Subject:** Fwd: Brindabella Christian College Compliance Notice section 177 Response

Dear Tanya,

**WITHOUT PREJUDICE & LEGAL-IN-CONFIDENCE**

In addition to the formal response sent to you on Friday 4th October I would like to also add the following with respect to the 177 Notice issued on Friday 20 September 2019, purely by way of understanding and explanation and not by way of justification of anything originally responded.

When the notification came in [REDACTED]

[REDACTED] and as you were aware we sought a two-day extension to the response deadline and were kindly granted this. At the same time as this was occurring I had sought to use the additional time to gain further insight with respect to the actual events surrounding the complaint.

I note that following the investigation the Nominated Supervisor received a "Caution" with respect to the matter and this is truly appreciated [REDACTED]

[REDACTED] As is additionally the case with our highly respected [REDACTED] Charnwood who was appointed since this matter was first raised.

As the Person with Management or Control, at the same time, I personally received a "Show Cause Notice" and advised I contravened Section 166 (1) of the Law and referring to the inappropriate psychological discipline. I also note that, as stated in the Show Cause Notice, there were discrepancies between the statements the Departmental Investigator obtained and that your findings were based on the "balance of probabilities" you then rely on for your decision. In particular with reference to the use of the word "feral"

More specifically I was also unable to ascertain accurately whether the use of the word feral was used given the differing accounts of the event.

In so far as the Section 167 Finding was then found to then be substantiated due to concern that there was a disregard for the dignity of the child in question I now, by way of completeness only and not justification as what I had originally advised, add the following.

At the time of the advice of the investigation I sought out our [REDACTED] at the College and discussed the matter. In [REDACTED] opinion, not one I held personally, [REDACTED] reflected on the use of the term "feral" and offered the explanation I subsequently adopted in my response as what I considered was an informed educational opinion. This related to what a [REDACTED] staffer's use of the phrase in communication with a colleague might be interpreted as and specifically relating to discussions on behaviour. On the basis that if ever occurred in the first place, as this was denied, my response was in no way related to actually calling a 2-year old child feral and also did not seek to justify or minimise the conduct, or seek to defend the practice as was stated in the Departmental finding. If it were I would have simply apologised on behalf of the staff and sought to redress the situation with training which is what is now occurring.

Nonetheless the decision to reassess the fitness and propriety of the original person with management and control, in this case myself, was subsequently decided. Whilst we as BCEL the Provider have not decided to seek a review of this decision within the 14 days required, as instructed by the Department I will now undertake the necessary training as specified. I do however separately have some serious concerns.

As an organisation we have recently been the subject of a coordinated and vitriolic attack by certain persons and the press designed to materially damage our organisation. The allegations, which have been based on serious misrepresentations and manipulation of facts were aimed at critically undermine our two Colleges and ELC's and more specifically targeting the Board of the College, who in this case form the persons with Management and Control.

At the same time as providing the response to your Compliance Notice Section 177 on Friday the 4th, we were advised by the [REDACTED] that they are intending to run another damaging article

in the next few days based on the knowledge of this finding which they claim they have been formally advised of by your Department.

Last year I had refrained from seeking FOI information from the ACT Government, based on the then matter surrounding a [REDACTED] who were seeking to bring the College into disrepute via a Letter of Complaint, as we felt it better left alone given in the end the matters had little impact. In this latest, far more sophisticated attack, there are far too many unanswered questions and as a consequence we have briefed our Senior Counsel in Melbourne to look into the matters; and we will now be preparing a series of targeted FOI requests spanning the current and past years as deemed relevant.

We will need to more fully understand the depth and breadth of these ongoing attacks on our College and ELC's over and above the legitimate day-to-day operations we are dealing with; as is the case here. We simply need to ensure that these malicious ongoing attacks which has been incredibly targeted at both the Federal and ACT Government Ministerial and Departmental levels are dealt with professionally and the perpetrators held to account, as this has had a significant and completely unwarranted impact on our College's reputation and the staff we need to ensure we continue to protect.

We look forward to your transparent cooperation in this matter as we seek all relevant data to allow our Legal Counsel to fully review our position and take appropriate actions as deemed necessary.



***The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient***

Begin forwarded message:

**From** [REDACTED] <[REDACTED]@bcc.act.edu.au>

**Subject:** Brindabella Christian College Compliance Notice section 177 Response

**Date:** 4 October 2019 at 4:28:33 pm AEST

**To:** "Masterman, Tanva" <Tanva.Masterman@act.gov.au>

**Cc:** [REDACTED]  
[REDACTED] <[REDACTED]@bcc.act.edu.au>

Dear Tanya,

Please see attached response and documentation relating to 177 Notice issued on Friday 20 September 2019. Due to the amount of supporting documentation I will be sending this through in 2 separate emails.

Please do not hesitate to contact me should you require any further information.

Regards



The contents of this email are confidential and are intended only to be read or used by the named addressee. Any unauthorised use of the contents is expressly

prohibited. If you receive this email in error, please notify the administrator on +61 2 6247 4644 and immediately delete it from your system. You must not disclose, copy or use any part of this email if you are not the intended recipient

---

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

---

**Fairburn, Janine**

---

**From:** Nott, Georgia on behalf of DGEDUoffice  
**Sent:** Monday, 14 October 2019 1:40 PM  
**To:** Brookes, Clare  
**Cc:** Krajina, Danielle  
**Subject:** FW: FOR ACTION [REDACTED]: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Hi Clare,

As you would be aware, we are going to pull any correspondence with Brindabella into one TRIM container.

Can you please ensure any corro your office holds is added to the above TRIM container? I will commence the chronology document that is in the container, in the meantime.

Are you able to please forward your draft response to me, so I can liaise with Danielle Krajina to ensure it covers everything from her end?

Kind regards –

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

**From:** Finch, Madeleine <Madeleine.Finch@act.gov.au> **On Behalf Of** DGEDUoffice  
**Sent:** Friday, 11 October 2019 4:41 PM  
**To:** DGEDUoffice <DGEDUoffice@act.gov.au>  
**Subject:** FW: FOR ACTION: [REDACTED]: Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Hi Georgia – this is the one I was hoping to get your assistance on Monday please.

Can you please loop in with Clare on the below and ensure all emails are captured in the TRIM container.

Once we have all the info, can you please loop in with Danielle to see if the response so far is sufficient, or if she thinks we need more.

I have also put a chronology template if you happen to have a chance to start filling that one out.

Kind regards

**Maddie Finch** | Executive Support Officer to  
 Meg Brighton, Director-General

**Education Directorate** | ACT Government

T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)

Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** Brookes, Clare <Clare.Brookes@act.gov.au>  
**Sent:** Thursday, 10 October 2019 4:08 PM  
**To:** DGEDUoffice <DGEDUoffice@act.gov.au>  
**Cc:** Green, Jennifer <Jennifer.Green@act.gov.au>  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Hi Maddie

Could you please give me a call when you get back into the office to let me know Meg's expectations re the response. I have written to them about the ECPR investigation but did Meg also want to respond and address the other issues raised?

Kind Regards

Clare Brookes  
A/g Executive Branch Manager, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government  
P 02 6207 2143 M 0481 003 833

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

**From:** Finch, Madeleine <[Madeleine.Finch@act.gov.au](mailto:Madeleine.Finch@act.gov.au)> **On Behalf Of** DGEDUoffice  
**Sent:** Tuesday, 8 October 2019 11:43 AM  
**To:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>; DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Brookes, Clare <[Clare.Brookes@act.gov.au](mailto:Clare.Brookes@act.gov.au)>  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Thank you :)

**Maddie Finch** | Executive Support Officer to  
Meg Brighton, Director-General  
**Education Directorate** | ACT Government  
T: +61 2 6205 9156 | E: [DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)  
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | [www.education.act.gov.au](http://www.education.act.gov.au)

**From:** Masterman, Tanya <[Tanya.Masterman@act.gov.au](mailto:Tanya.Masterman@act.gov.au)>  
**Sent:** Tuesday, 8 October 2019 11:42 AM  
**To:** DGEDUoffice <[DGEDUoffice@act.gov.au](mailto:DGEDUoffice@act.gov.au)>  
**Cc:** Brookes, Clare <[Clare.Brookes@act.gov.au](mailto:Clare.Brookes@act.gov.au)>  
**Subject:** RE: FOR ACTION: [REDACTED] Brindabella Christian College Compliance Notice section 177 Response

UNCLASSIFIED Sensitive: Legal

Thank you Maddie. I spoke briefly with Clare Brookes (A/g Executive Branch Manager) about the email this morning and an appropriate response will be prepared.

Kind regards

**Tanya Masterman** | A/g Assistant Director  
Phone 02 6205 2012 | Email [tanya.masterman@act.gov.au](mailto: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](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [CECA Facebook](#)

**RECORD of COMPLIANCE AUDIT**

Service Approval Number	SE-00011290
Service Name	Brindabella Christian College Early Learning Centre Charnwood
Service Address	46 Lhotsky St, CHARNWOOD, 2615
Service Type	Centre-Based Care
Approved provider	Brindabella Christian Education Ltd
Provider Approval Number	PR-00005809
Nominated Supervisor	
Maximum Number of Places	112
Most Recent Visit	Educational - To review NQS quality rating Quality visit to review NQS quality rating. <b>Visit start date:</b> 5 September 2019
Previous Compliance Action	Letter issued NFA <b>Date issued:</b> 26 September 2019
Previous Compliance Action	Caution letter issued Caution Letter for two substantiated offences of inappropriate discipline under section 166(3). No response required. <b>Date issued:</b> 20 September 2019
Previous Compliance Action	Caution letter issued Caution letter for one substantiated offence under s 166(3). No response required. <b>Date issued:</b> 20 September 2019
Previous Compliance Action	Caution letter issued Caution letter for 3 x section 166(2) offences - letter to emphasise obligations as nominated supervisor and advise further incidents may result in prohibition from acting as nominated supervisor. No response required. <b>Date issued:</b> 20 September 2019
Previous Compliance Action	Compliance notice issued Compliance Notice issues for 3 substantiated s 166(1) offences, s 167 and Reg 155, Reg 170 and Reg 177(2). Initial response due 14 days Further response due 3 months. <b>Date issued:</b> 20 September 2019
Previous Compliance Action	Letter issued Show Cause notice to Provider for Section 167, 3 x s 166 breaches, Reg 170 and 177. Case Management 22 August 2019 Deliberated on show cause and response. All allegations substantiated. Compliance notice – demonstrate strategies in place that are in NS response – recruitment, evidence of educator training etc. - PMCs, NS and Educators to receive training on rights of the child. - Four weeks to provide evidence of such training being arranged. - Letter to mention that after that training and within three months of the letter, all PMCs are to undergo assessment with CECA to assess understanding and fitness <b>Date issued:</b> 17 July 2019

**RECORD of COMPLIANCE AUDIT**

Previous Compliance Action	<p>Letter issued Show Cause to Nominated Supervisor for 3 x section 166 offences 22 August 2019 - Deliberated on show cause and response at Case Management. All three offences substantiated. Caution letter, noting that response includes various strategies to support educators in future. [REDACTED] recruiting for [REDACTED] to work with [REDACTED] recruiting for [REDACTED] [REDACTED] behaviour support education scheduled with [REDACTED]</p> <p><b>Date issued:</b> 17 July 2019</p>
Previous Compliance Action	<p>Show Cause Show Cause to Educator for s 166(3) offence Determined to issue caution letter to educator for substantiated offence of section 166(3). Main problem appears to be Provider's lack of understanding and appreciation of their obligations, probable lack of support and training in appropriate behaviour support techniques.</p> <p><b>Date issued:</b> 17 July 2019</p>
Previous Compliance Action	<p>Show Cause Show Cause Notice to Educator for 2 x section 166 offences Case Management 22 August 2019. Deliberation on Show Cause and Educator Response. Determined both allegations substantiated but elected to issue caution letter as major issue seems to be with Provider's lack of understanding and appreciation of obligations, lack of support and training in appropriate behaviour support techniques.</p> <p><b>Date issued:</b> 17 July 2019</p>
Previous Compliance Action	<p>Letter issued Administrative Letter issued to Provider acknowledging multiple breaches - response required to demonstrate compliance by 23/08/2017. Response received and deemed to satisfy the requirements of the Administrative Letter. Acknowledgement of response sent to provider 1/09/2017</p> <p><b>Date issued:</b> 9 August 2017</p>
Previous Compliance Action	<p>Letter issued No response required.</p> <p><b>Date issued:</b> 14 April 2016</p>

Date of Audit	24 October 2019		
Time of Audit	Arrival: 9:50am	Departure: 11:50am	
Type of Audit	Announced / Unannounced		
Risk Factors Engaged	Harms	Hazards	Governance

**Risk Factors**

Harms	Hazards	Governance
<p>Educator (Individuals): Intentional / Negligent harm or incompetence Supervision Movement of Children (Transitions) Staffing Levels</p>	<p>Access to: Chemicals, Poisons, Medication Health Management Fencing and Security SIDS Triggers Equipment Safety</p>	<p>Policies and Procedures Management (Supervision Control) Culture / Leadership Continuity Risk Management</p>

**RECORD of COMPLIANCE AUDIT**

Staffing Qualifications / First Aid	
-------------------------------------	--

Governance	Observation and Discussion
<p>Policies and procedures available</p> <p>Health and safety (nutrition, food and beverages, dietary requirements, sun protection, water safety, the administration of first aid)</p> <p>Sleep and rest for children (r81)</p> <p>Incident, injury, trauma and illness (r85)</p> <p>Infectious diseases (r88)</p> <p>Medical conditions (r90)</p> <p>Emergency and evacuation (97)</p> <p>Delivery of children (r99)</p> <p>Excursions (100 to 102)</p> <p>Child safe environment</p> <p>Staffing (code of conduct, determining the responsible person, participation of students and volunteers)</p> <p>Interactions (155 and 156)</p> <p>Enrolment and orientation</p> <p>Governance including confidentiality</p> <p>Acceptance and refusal of authorisations</p> <p>Payment of fees</p> <p>Dealing with complaints</p>	<p><b><u>Policies and procedures</u></b></p> <p>Management of diabetes procedure was not in place and the medical conditions policy did not include a procedure to manage diabetes.</p> <p>Nutrition, food, beverages, dietary requirements could not be found</p> <p>Water safety was not in folder at the time of the audit, printed at time of audit and placed in folder.</p> <p>Emergency and evacuation not in folder at time of audit, printed at time of audit and placed in the folder.</p> <p>Enrolment and orientation being currently reviewed as the school one that was in place was not relevant to ELC</p> <p>Payment of fees currently being reviewed as the school one was not relevant to the ELC.</p> <p><b><u>To be followed</u></b></p> <p>When there are updates the amended policies or procedures are sent out to educators and they have to sign off on them.</p> <p>Conversations during staff meetings are occurring to ensure everyone knows the content of the policies.</p> <p>Procedures to check environments are currently being reviewed as it was identified that staff members were not following the previous procedure and not completing the forms. AO sighted indeed forms that had not been completed since July 2018. NS provided new form for AOs to sight.</p> <p><b><u>To be kept available</u></b></p> <p>In folder for families but a few were missing in the folder.</p> <p><b><u>Notification of change to families</u></b></p> <p>Through the kindy hub families are notified any changes to the policies.</p>
<p>Law and Regulations available</p>	<p>r170</p> <p>r171</p> <p>r172</p> <p>r185</p> <p>The Laws and Regulations are available on the staff shared drive on the computer. There was also a copy in the foyer of the Regulations and Law.</p>
<p>Responsible person on premises</p> <p>Person in day to day charge</p>	<p>s 162</p> <p>r117A</p> <p>Sign posted in the entrance with the responsible- on arrival by the AO [redacted] was the responsible person on site at the time of the audit. [redacted] name was displayed in the foyer of the service. However, [redacted] was wearing a different name badge which would make it challenging for visitors to the service.</p> <p>Sighted the responsible person log of signing in and out [redacted] signed into the responsible person log when [redacted] returned to the service.</p>
<p>Staff record</p> <p>Nominated Supervisor (r146)</p>	<p>r 145-154</p> <p><b>Nominated supervisor</b> – sighted the staff folder for [redacted] At the time of the audit the staff folder did not contain all the prescribed information including copies of the staff qualifications including the first aid</p>

**RECORD of COMPLIANCE AUDIT**


<p>Staff members (r147) Educational Leader (r148) Volunteers / Students (r149) Responsible person (r150) Educators working directly with children (r151) Access to ECT (r152)</p>		<p>qualifications and WWVP. [redacted] was able to have this sent via email and the AO was able to view them. These need to be included in the staff file.</p> <p><b>Staff members-</b> [redacted] ECT responsible person sighted first aid which was up to date. There were no transcripts for [redacted] as and ECT on [redacted] staff file.</p> <p>[redacted] sighted the CPR dated 20/12/18 and first aid dated 8/10/18. [redacted] however there was no transcripts on [redacted] file showing [redacted]</p> <p><b>Educational Leader-</b> [redacted] sighted the day to day charge, sighted qualifications s including first aid, details of educator's educational leader agreements.</p> <p><b>Volunteers/students-</b> staff sign in and out of the signing in roster. Need to keep staff address, DOB and and name. Sighted copies of the WWVP.</p> <p><b>Responsible person-</b> sighted the responsible person written consent</p> <p><b>Educators working directly with children-</b> sighted the records in the room.</p> <p><b>Access to ECT –</b> the service has access to ECT for the prescribed period.</p>
<p>Current P/L insurance</p>	<p>r 180</p>	<p>Check with the school not available at the time- need to be sent. Management staff were unaware of the public liability.</p>
<p>Documentation available Child assessments Incident, injury trauma and illness records Medication record Staff record Child attendance records Child enrolment records Record of compliance (service approvals, amendments; compliance notices etc) Confidentiality of documents</p>	<p>r177-8 s 175       r 167 r 181-183</p>	<p><b>Child assessments-</b> The service currently maintains two types of summative assessments. The summative assessments for the younger children meets regulations. However the summative assessment for the preschool children is a school based assessment based on the academic achievements of the child rather than the child's progress against the outcomes.</p> <p><b>Incident, injury trauma and illness records-</b> the incident and injury records was sighted and at the time of the audit had all the prescribed information</p> <p><b>Medication record-</b> sighted the medication record and at the time of the audit the record had all the prescribed information.</p> <p><b>Staff record-</b> sighted the staff records, many of these records were missing documents such as transcripts and up to date first aid qualifications.</p> <p><b>Child attendance records-</b> Digital completed by Kiosk for signing in and out and all staff have access to use for head counts of children.</p> <p><b>Child enrolment records-</b> sighted the enrolment record and has all the prescribed information that includes the authorised nominees. However children's medical information was not on the child's file and on locating</p>



**RECORD of COMPLIANCE AUDIT**

<p>Emergency and evacuation procedures r 97</p>	<p>Risk assessment of potential emergencies</p> <p>Emergency and evacuation procedures rehearsed every 3 months</p> <p>Emergency and evacuation instructions and floor map displayed at each exit</p> <p>Type: Emergency /Evacuation</p> <p>Type: Lock Down</p>	<p>Sighted the risk assessment dated 18.2.19</p> <p>Check if the fire was notified</p> <p>Sighted the plan the nursery room located; these were available in all the rooms.</p> <p>Date last rehearsed: 2 July 2019</p> <p>Date last rehearsed: 10 September 2019</p>
<p>Health, safety and wellbeing</p> <p>Health and hygiene practices (r77)</p> <p>Safe food handling practices (r77)</p> <p>Food and beverages (r78 and 79)</p> <p>Sleep and rest (r81)</p> <p>Tobacco and drug free environment (r82)</p>	<p>r 77-83</p>	<p><b><u>Health and hygiene practices</u></b></p> <p>Sun protection being applied as sighted the in the nusery room children having the sun screen applied. Some children had different sun screen in nusery based on preferences.</p> <p>The bathrooms were clean in PK and T2.</p> <p>Children put their own sunscreen on in the PK and P3. An educator offered assistance to the children who were finding it difficult to apply their sunscreen. The educator wore a glove to apply the sunscreen.</p> <p><b><u>Safe food handling practices</u></b></p> <p>No food handling observed in the room.</p> <p>The kitchen was clean and tidy, food that was being prepared was handled in a safe way. Storage of the food appeared adequate.</p> <p><b><u>Food and beverages</u></b></p> <p>Sighted the weekly menu displayed on th foyer area of the service.</p> <p>The menu offered a variety of food with nutritious food and healthy choices. However it was noted that popcorn was on the menu as an afternoon tea. Popcorn is an unsafe food for young children as it is a choking hazard. The service is required to change the menu so no popcorn is offered.</p> <p><a href="https://kidsafesa.com.au/wp-content/uploads/2019/06/Kidsafe-SA-Choking-and-Suffocation-V1.3-WEB.pdf">https://kidsafesa.com.au/wp-content/uploads/2019/06/Kidsafe-SA-Choking-and-Suffocation-V1.3-WEB.pdf</a></p> <p><b><u>Sleep and rest</u></b></p> <p>Sighted the cot room for nusery room one cot not in use as it was stacked with equipmeny and resources. The service is required to clear the cot an store equipment and resources appropriately.</p> <p>Mats were available for children to sleep on. Each child had their own bedding.</p> <p><b><u>Tobacco and drug free environment</u></b></p> <p>The service is located in school grounds and appeared to be tobacco and drug free environment.</p>
<p>Awareness of child protection law</p>	<p>r84</p>	<p>Annual training is conducted regarding the child protection at staff meeting notes where updates a provided to staff re child protection orders.</p>

**RECORD of COMPLIANCE AUDIT**

		<p>AO asked two educators to talk about their responsibilities as mandated reporters. The educators knew what being mandated means. One educator mentioned that she would contact the RA to report suspicion of abuse or neglect. AO clarified that educators suspecting abuse need to contact CYP and that if allegations are against an educator then the RA needs to be notified (usually by service or provider).</p>
<p>Incidents, injury, trauma and illness Policy (r85) Notification to parents (r86) Incident, injury, trauma and illness record (r87) Infectious diseases (r88)</p>	<p>r 85-88</p>	<p>Took a copy of the incident record to review The template to record incidents, injuries, trauma and illnesses was compliant. One completed record sighted in T2 and filled up correctly.</p>
<p>first aid kits</p>	<p>r 89</p>	<p>Checked nursery room first aid all up to date. <b>Asthma first aid kit only had a spacer-</b> recommended that if the service is keeping an asthma kit then they maintain it so that it can be used appropriately as required. Two tubes of Savlon cream removed from first aid kits by AO as they expired in September 2019. Antiseptic cream expires Oct 2019- recommend that the service completes a full audit on the first aid kits to ensure that all items are up to date.</p>
<p>Medical Conditions Medical conditions policy includes:  <ul style="list-style-type: none"> <li>• Medical management plan</li> <li>• Risk minimisation plan</li> <li>• Communication plan</li> </ul>           Medical condition policy provided to parents of child with medical condition</p>	<p>r 90  r91</p>	<p>Nursery room some children being applied different sunscreen based on preference. No allergies in onset. Sighted the medical conditions did not have medical management plans and communication plans in children's file. These needs to be updated. Sighted the email where NS has sent request for families to update the medical conditions including the action plans. Management of diabetes procedure was not in place and the medical conditions policy did not include a procedure to manage diabetes.</p> 
<p>Administration of medication Medication record (r92) Administration of medication (r93) Exception to authorisations (r94) Procedure to administer (r95) Self-administration (96)</p>	<p>r 92-96</p>	<p>Sighted medication records- photo taken of medication record. A few records sighted and completed correctly.</p>

**RECORD of COMPLIANCE AUDIT**

Safe premises and equipment Maintenance Access to chemicals / medication	r 103	<p>In nursery room there was one cot with shelf and speakers on shelf advised that this cot is not used. Another cot had a lot of equipment stacked into it</p> <p>Painting required in nursery room paint peeling.</p> <p>Cleaning contact every evening, employed maintenance service across the two campuses.</p> <p>The outdoor environment was generally safe however a low wooden decorative fence surrounding the sandpit was deteriorating and exposing some staples. The authorised officers removed two panels with protruding staples.</p> <p>A square deck had a piece of wood missing on the side causing a risk of splinters.</p> <p>The indoor environment was safe.</p>
Furniture and equipment	r105	<p>Furniture was in good condition and</p> <p>However, the number of resources set up in the room was minimal. A few shelves had no resources available and were kept empty</p>
Fencing	r 104	<p>Fencing in the nursery room was secure and children could not get under or through, however there was a bench that was located right against the fence, which led to next door playground.</p>
Hygiene Laundry/bathroom Nappy changing facilities	r 106 r109 r112	<p>Bathrooms were clean. Nappy change mats were in good condition.</p>
Space requirement Indoor 3.25m <sup>2</sup> per child (r107) Outdoor 7m <sup>2</sup> per child (r108) Ventilation and light (r110) Administrative space (r111) Natural environment (r113) Shade (114) Supervision facilitated (r115)	r107-115  (r107-111 n/a FDC)	<p>Upstairs administrative spaces.</p> <p>Large trees and shade cloths provide shade outside.</p> <p>Natural environment had been included outside: sand, logs, trees, plants, shrubs.</p> <p>The windows were quite dark. The windows had combined with the clouds on the day of the audit.</p> <p>Outdoor area appeared to be large enough for the number of children.</p>

**Harms s167**

Collection of children Authorisations	r 99	<p>Sighted the authorization of who is able to collect the child.</p>
Excursions Risk assessments Authorisations	r 100-102	<p>Copy of excursions forms sent, reviewed the excursion forms and most of the prescribed information except for anticipated number of children attending.</p> <p>Risk assessment for excursions was also sighted and appeared compliant at the time.</p>
Supervision of children	r 115 s 165	<p>No issue with supervision identified at the time of the audit.</p> <p>All children were in attendance in the room and all staff members were working with them. The educators moved around the outdoor area as children also moved around to be able to supervise them.</p> <p>All children were inside at the beginning of the audit and all educators were with them. The children lined up at the door before they all went outside. A headcount was conducted before the children headed outside.</p> <p>Another headcount was conducted before the children went to the library.</p>

**RECORD of COMPLIANCE AUDIT**

Educator to child ratios	r 121-124 s 169	At the time of the audit the educator to child ratios above the required ratio requirements. The older children classrooms were combined at the time of the audit.
Qualifications General qualification ECT qualifications First aid	r 126 r 130-135	The service has access to a few qualified ECT, and there was enough staff on premises with their first aid qualifications including asthma and anaphylaxis training.  The service also had enough qualified staff to meet the 50% requirement.
Interactions with children	r 155-156 s166	
Attendance records	r 158-159	These are maintained digitally, and staff are able to access these as required.
Enrolment records Prescribed information Authorisations Health information	r160-162	Sighted the enrolment records missing medical information

**Children's grouping at the time of the audit**

Group	Age of children	Number of children	Number of educators	Required Ratio	Current Ratio
1. T1	0-2			1:4	1:2
2. T2	2-3			1:5	1:2
2. PK- P3 combined	3-5			1:11	1:7

**CENTRE-BASED - Staffing at the time of the audit (Working directly with children)**

Group	Educator	Qualification / Institution	WT	Progress	WWVP	First aid	Anaphylaxis	Asthma
					X	X	X	X
					X	X	X	X
					X	X	X	X
					X	X	X	X
			X		X	X	X	X
					X	X	X	X
			X		X	X	X	X
					X	X	X	X
			X		X	X	X	X

**RECORD of COMPLIANCE AUDIT**





								X	X	X	X
								X			
<b>Non-contact staff</b>											
								X	X	X	X
								X			

<b>Detail of non-compliance identified</b>			
<b>Law / Reg</b>	<b>Details</b>	<b>Action required</b>	<b>Timeframe</b>
Regulation 168 – Education and care service must have policies and procedures	The nutrition, food, beverages and dietary requirements policy could not be provided to the authorised officers at the time of the audit.	The service is required to provide evidence to the Regulatory Authority that a nutrition, food, beverages and dietary requirements policy is in place and evidence that educators are aware of the content of the policy.	
Regulation 170 – Policies and procedures to be followed	The service's medical conditions policy states that a risk minimisation plan will be developed during a meeting with the family of a child who has a medical condition.  At the time of the audit it was identified that families are given the risk minimisation plan to complete and they bring it back to the service. The document was not developed during a meeting in consultation with families. Consequently, the service's medical conditions policy is not being followed.	The service is required to provide evidence that risk minimisation plans have been developed in consultation with families during a meeting as required in the service's medical conditions policy.	
Regulation 171 – Policies and procedures to be kept available	Not all policies and procedures were available for inspection or available to staff members and volunteers as some policies could not be located at the time of the audit.	The service is required to ensure that all policies and procedures are available.	
Regulation 90 – Medical conditions policy	The medical conditions policies did not include the management of diabetes as required by regulation 90  The medical conditions policy was missing the following prescribed information: <ul style="list-style-type: none"> <li>- That a medical management plan must be in place for children with a specific health care needs (the policy only states in case of a medical condition)</li> </ul>	The service is required to provide evidence to the Regulatory Authority that the medical conditions policy include all the prescribed information set out in regulation 90.	

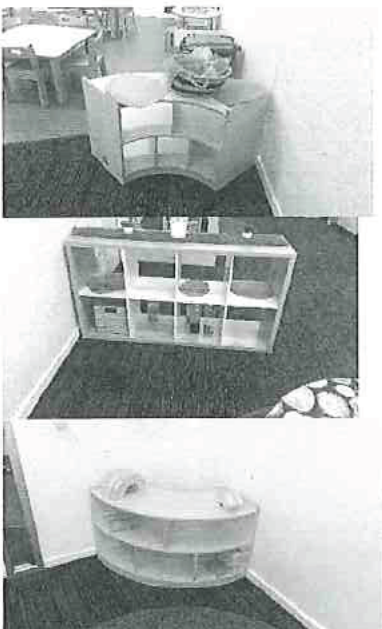
**RECORD of COMPLIANCE AUDIT**

	<ul style="list-style-type: none"> <li>- Requiring the development of a communication plan to ensure that:             <ul style="list-style-type: none"> <li>o relevant staff members and volunteers are informed about the medical conditions policy and the medical management plan and risk minimisation plan for the child; and</li> <li>o a child's parent can communicate any changes to the medical management plan and risk minimisation plan for the child, setting out how that communication can occur.</li> </ul> </li> </ul>		
<p>Regulation 90 – medical conditions policy</p>	<p>Medical management plans, risk minimisation plans and communication were not in place for all children enrolled at the service who have a medical condition or a specific health care need. The following issues were identified at the time of the audit:</p> <div style="background-color: #cccccc; height: 300px; width: 100%;"></div>	<p>The service is required to ensure that all children with a medical condition and a specific health care need have a medical management plan in place at the service. A risk minimisation plan, developed in consultation with the child's family, and a communication plan also need to be in place.</p> <p>The service is required to provide to the Regulatory Authority the medical management plans, risk minimisation plans and communication plans of the children mentioned.</p> <p>The service is required to provide evidence to the Regulatory Authority that all risk minimisation plans have been completed thoroughly by the service and in consultation with families.</p>	

**RECORD of COMPLIANCE AUDIT**

	 <p>The risk minimisation plans were not thorough and had been recorded by families of children with a medical condition or a specific health care need. The plans did not identify the steps, strategies the service would take to minimize specific risks for those children.</p>		
<p>Regulation 103 – Premises, furniture and equipment to be safe, clean and in good repair</p>	<p>The outdoor environment was generally safe however a low wooden decorative fence surrounding the sandpit was deteriorating and exposing some staples. The authorised officers removed two panels with protruding staples.</p> <p>A square deck had a piece of wood missing on the side causing a risk of splinters.</p> 	<p>The service is required to provide evidence that the decorative wooden fence is in good condition and that the deck has been fixed.</p>	
<p>Regulation 105 – Furniture, materials and equipment</p>	<p>The number of resources set up in the  room was minimal. A few shelves had no resources available and were kept empty. Children had limited choices in the resources they could access by themselves.</p> 	<p>The service is required to provide evidence to the Regulatory Authority that a sufficient number of resources is readily accessible by children in each play space.</p>	

**RECORD of COMPLIANCE AUDIT**

			
<p>Regulation 147- staff records</p>	<p>Staff records at the time of the audit did not hold all the prescribed information as set out in the regulation. There was no evidence to demonstrate that staff were actively working towards a qualification, for those studying. The NS file was not current at the time and did not have copies of all the qualifications, although these were sent via email later.</p>	<p>The provider is required to send evidence that all staff records have been updated and included all the prescribed records as outlined in Regulation 146.</p>	
<p>Regulation 180- Evidence of prescribed insurance</p>	<p>At the time of the audit the NS and EL were unable to locate a copy of the prescribed insurance</p>	<p>The provider is required to send a copy of the public liability that cover the ELC.</p>	
<p>Regulation 74- child assessment records</p>	<p>The service currently maintains two forms of child assessment records. The child assessment records for the younger children meet the requirements of the child assessment and focused on children's progress against the outcomes. The older preschool child assessment record was academic based and does not reflect the child's progress against the outcomes.</p>	<p>The provider is to provide evidence on how they will ensure that all child assessment records reflects children's progress against the outcomes of the EYLF.</p>	
<p>r176</p>	<p>At the time of the audit the EL stated that there had been a few evacuations as alarms had been activated and the fire brigade had attended. These had not been notified to the AO as required, as they meet the definition of a serious incident under regulation 12.</p>	<p>The provider needs to submit any notifications in relation to the attendance of emergency services.</p> <p>The provider is required to submit processes that demonstrate that the</p>	

**RECORD of COMPLIANCE AUDIT**

		provider has a clear understanding of circumstances to notify the authority.	
Regulation 102- authorisations for excursions	The excursion authorisation form held all the prescribed information except for the anticipated number of children attending the excursion.	The provider is to provide evidence that the excursion authorisation forms have been updated to include the anticipated number of children.	

**Recommendations – Quality practices**

Law / Reg	Details	Recommendations
Regulation 73 – Educational program	The program displayed on the wall did not incorporate the language of the EYLF including the learning outcomes of the document	It is recommended that the team reviews the way the educational program is recorded to include the language of the EYLF and especially the learning outcomes of the document.
Regulation 81 – sleep and rest	It was noted at the time of the audit that one of the cots was used a place to store equipment and resources.  Another cot was located with a shelf over the top of with a stereo, the AO was informed that this cot was not used.	It is recommended that the cot be cleared and that all equipment and resources are stored appropriately.  It is recommended that the cot located under the shelf is removed to ensure that no staff members utilise the cot at any time.
Regulation 89- First aid kit	At the time of the audit the service had a asthma first aid kit, however there was only a spacer in the kit.	It is recommended that if the service is maintaining an asthma kit then they ensure that the kit is fully equipped to be used in an emergency situation.

**Compliance action taken**

Action	Statutory / Non-statutory	Date sent	Date due

**Emergency action issued Yes / No**

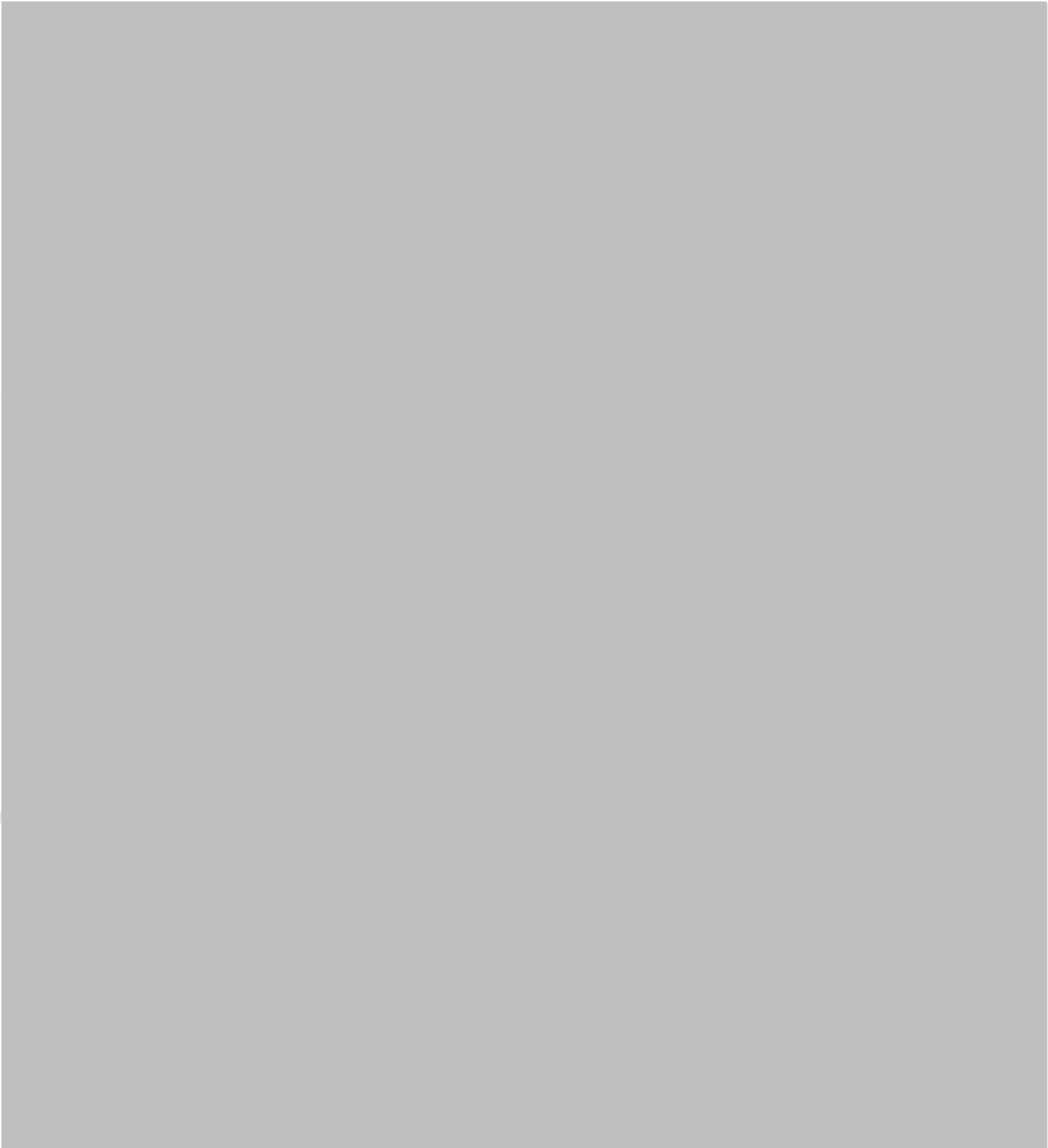
Law / Reg	Details	Action required

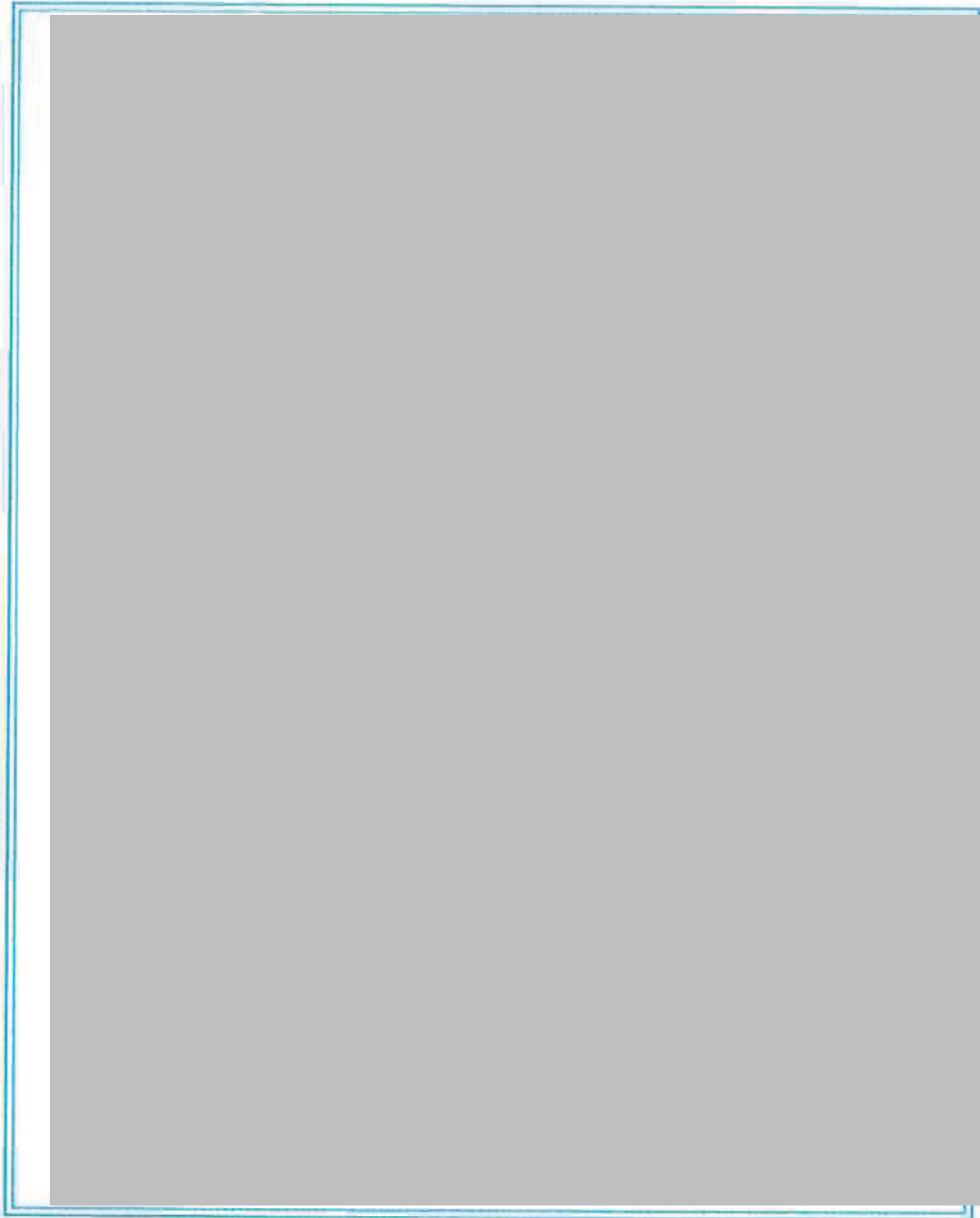
<b>Prepared by:</b>	Jo Williams and Delphine Coutin
<b>Date:</b>	28 October 2019





**BRINDABELLA**  
CHRISTIAN COLLEGE



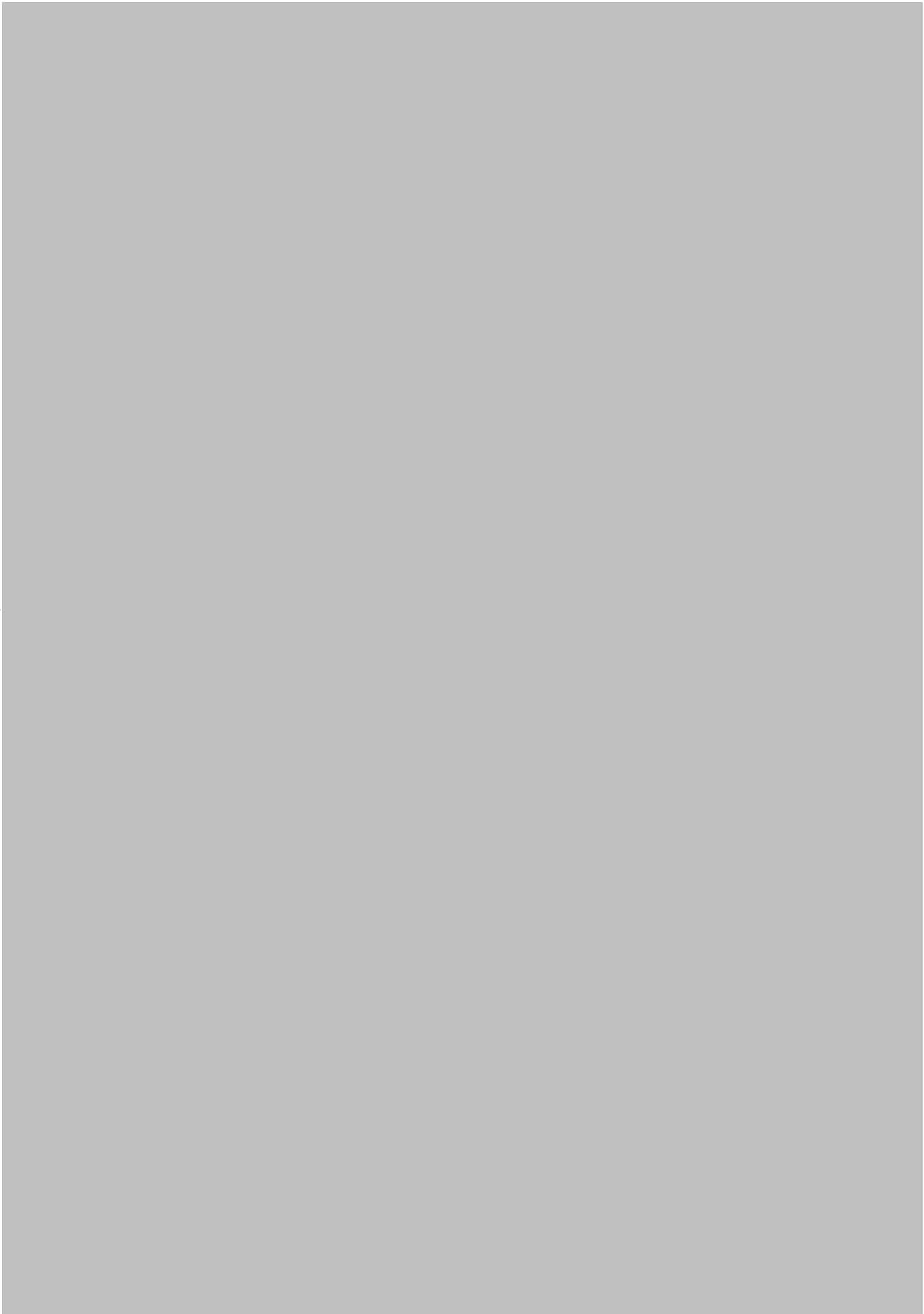




[REDACTED]

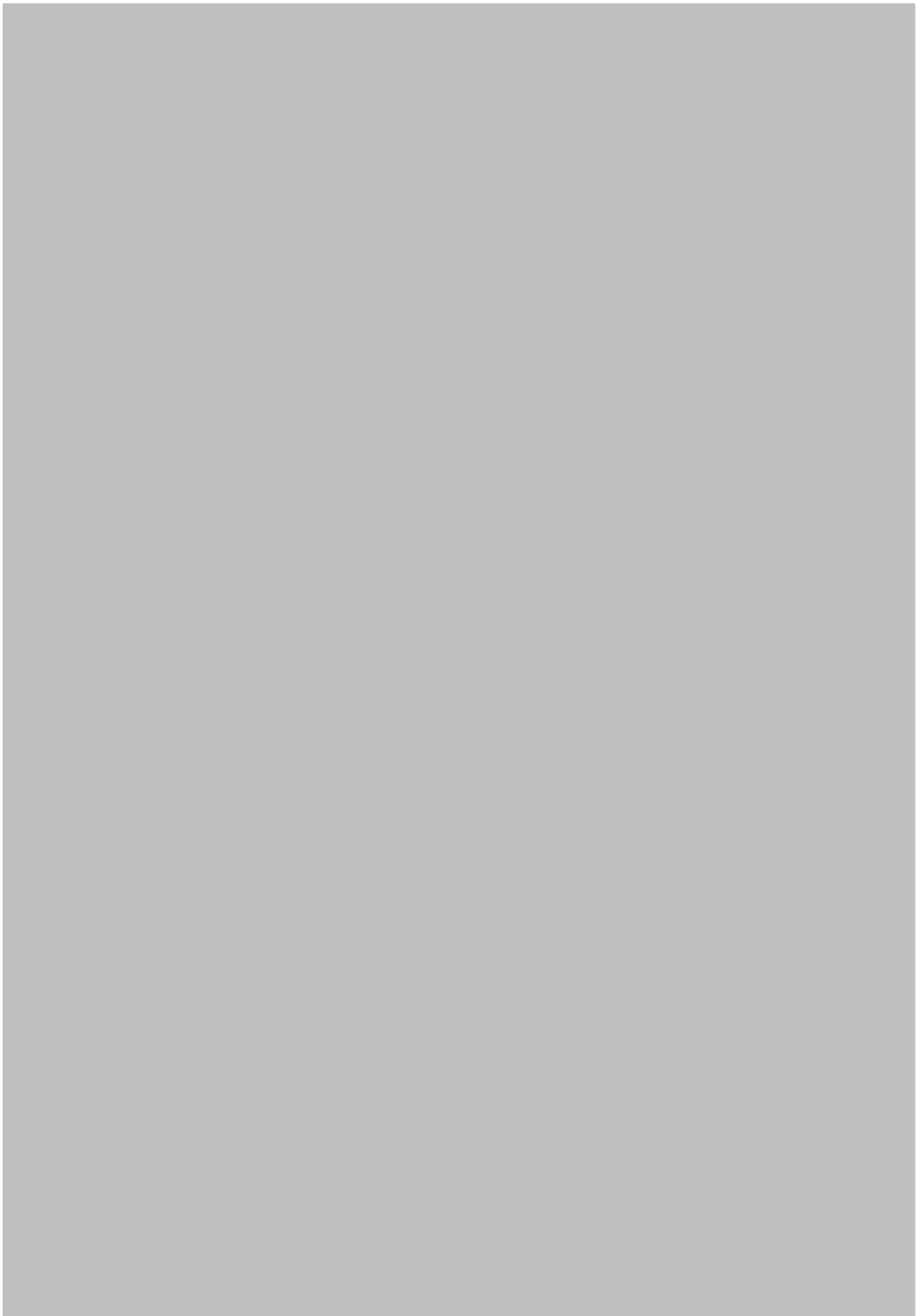
[REDACTED]

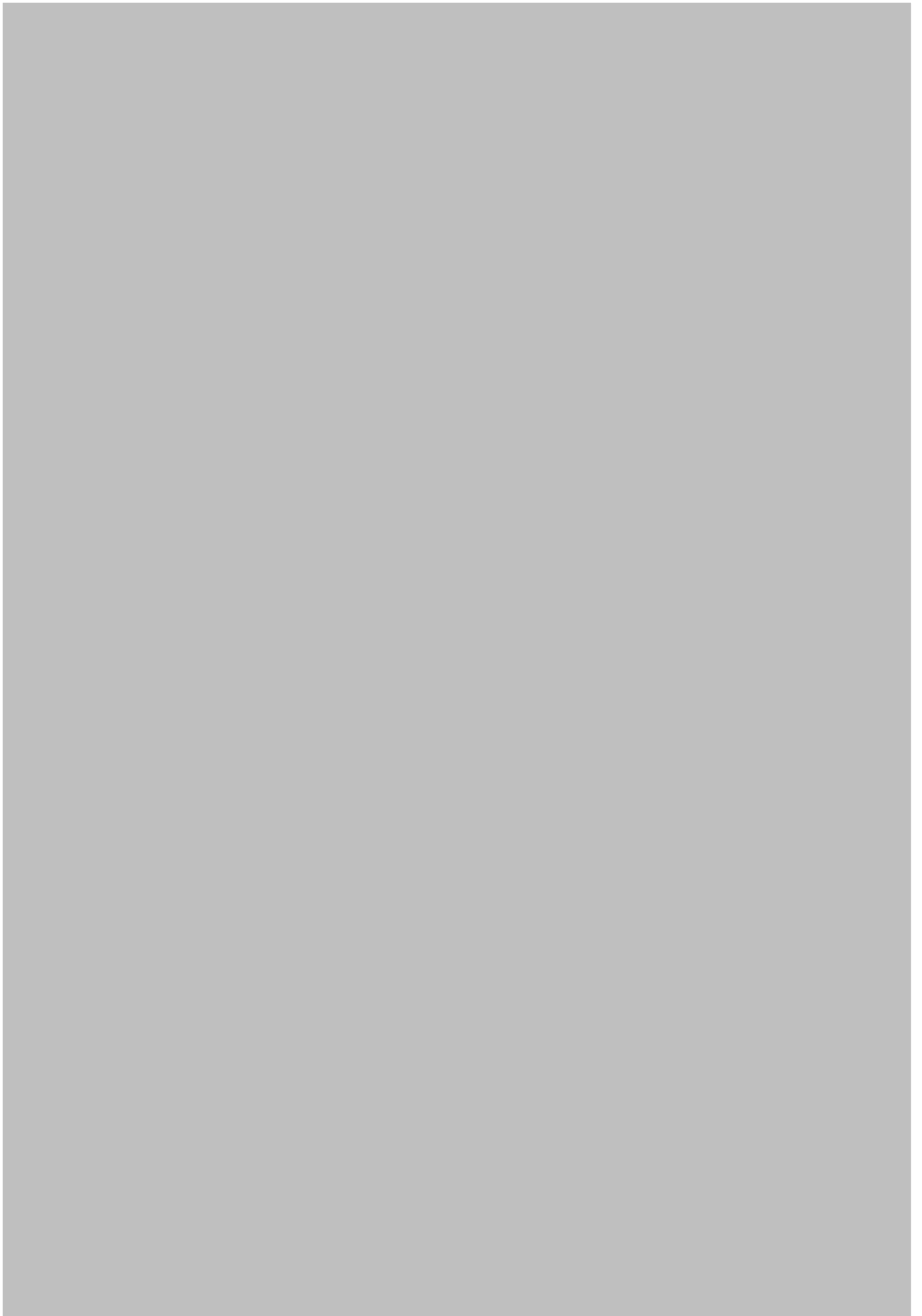
[REDACTED]

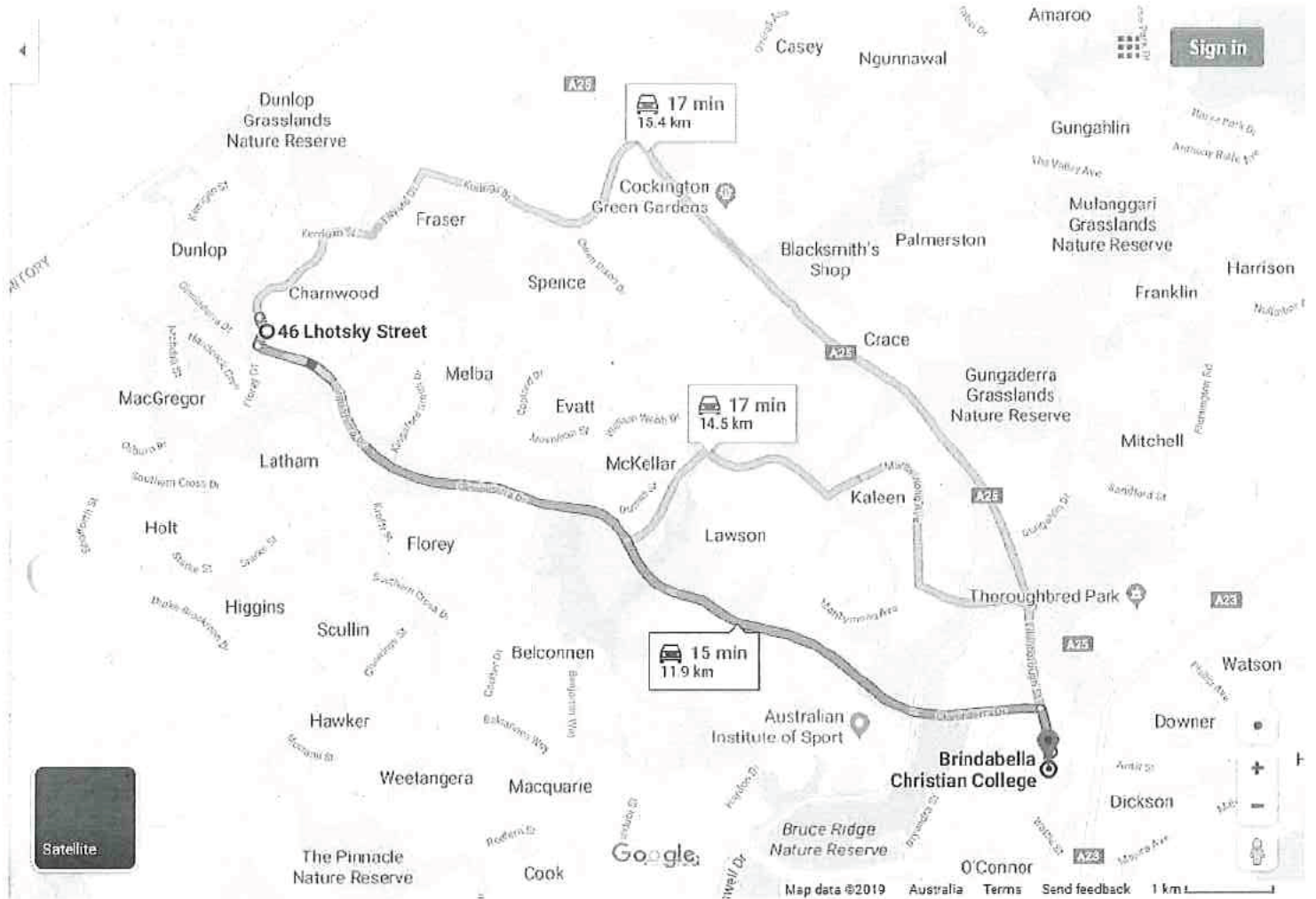












46 Lhotsky St

Charnwood ACT 261

Head north-west on Lhotsky St towards Florey Dr

190 m

At the roundabout, take the 3rd exit and stay on Lhotsky St

180 m

Turn right onto Florey Dr

220 m

At the roundabout, take the 1st exit onto Ginninderra Dr

10.6 km

Use any lane to turn right onto Mouat St

550 m

Turn right onto Brigalow St

Destination will be on the left

220 m

Brindabella Christian College

136 Brigalow St, Lyneham ACT 2602

(Return route in reverse)

Dear Families,

We are organising an excursion to Brindabella Christian College **Lyneham Campus** in Lyneham ACT, on **Monday the 19<sup>th</sup> of August 2019** as part of our Book Week Celebrations. We will be attending a stage performance called "Big Dreams" to coincide with the Book week Festivities.

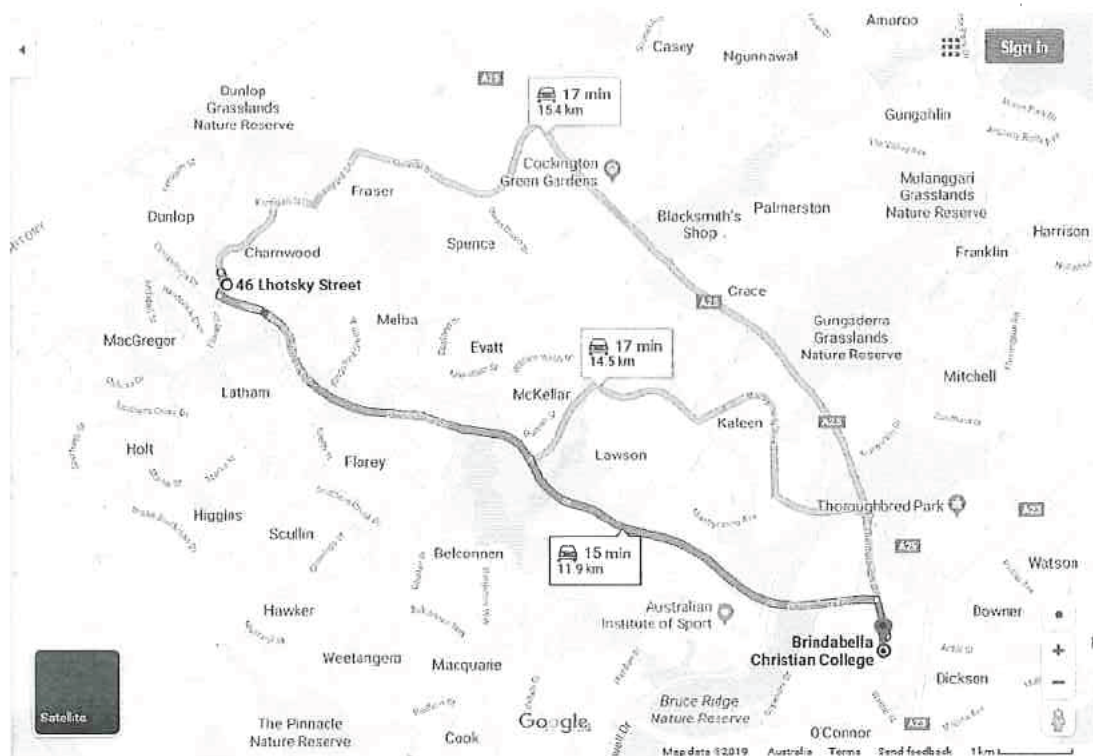
Parents/carers are welcome to attend to assist us with supervision (great for your PIP hours). Please indicate if you are available to help on the permission slip below.

Our governing regulations from the department specify a 1 adult to 11 children ratio. We will comply with this ratio with our regular staff and have extra Adults if required available.

**The educators from the Charnwood ELC in attendance to the excursion will be:**



We will be travelling by chartered bus (map below of route), leaving the ELC/School at approximately 9:25am and returning to the centre/School at approximately 12:30pm. Please ensure your child is dressed in fully enclosed shoes, sun smart clothing and a broad brimmed hat.



I (Parent/Guardians name) \_\_\_\_\_ give permission for my child \_\_\_\_\_ to attend the excursion to "DREAM BIG" Book week Performance, Brindabella Christian College **Lyneham Campus** Monday 19<sup>th</sup> of August 2019.

Signature: \_\_\_\_\_

**I will / will not be able to volunteer my time. (Please circle)**

**Parent's name:**

**contact no. (on the day):**

**Parent Signature:**



Incursion Details					
Date(s) of incursion	19.8.19	Incursion destination	Lyneham Junior School		
Times:	10am – 11:10am				
Proposed Activities	Book Week Big Dreams Performance	Water Hazards?	No		
If yes, provide details:	N/A				
Method of transport, including proposed route. Please include a map with highlighted route.	Chartered bus from Charnwood to bus to Lyneham and reverse journey. Each ELC child will wear clear contact details about the ELC.				
Name of incursion co-ordinator	[Redacted] – Book Week Big Dreams Performance				
Contact number of incursion co-ordinator	Business - [Redacted]	Phone - [Redacted]	Email - [Redacted]		
Number of children attending excursion	324 in total	Number of educators/parents/volunteers	ALL ROSTERED ON		
Educator to child ratio, including whether this excursion warrants a higher ratio? Please provide details.	1:11				
<input type="checkbox"/> On site First Aid Kit <input type="checkbox"/> List of children attending the excursion <input type="checkbox"/> Contact information for each child located in rooms <input type="checkbox"/> Medical information for each child located in rooms					
Incursion Checklist					
<input type="checkbox"/> On site First Aid Kit <input type="checkbox"/> List of children attending the excursion <input type="checkbox"/> Contact information for each child located in rooms <input type="checkbox"/> Medical information for each child located in rooms					
Risk Assessment					
Activity	Hazard identified	Risk Assessment (use matrix)	Elimination/control measures	Who	When

## Risk Management Plan

Travel and Return to school by bus	<ul style="list-style-type: none"> <li>Loss/Injury of a child on route</li> </ul>	High	<ul style="list-style-type: none"> <li>Students accompanied to the bus and marked on by paper roll.</li> <li>Staff ride on bus with children.</li> <li>Students all to remain seated throughout ride.</li> </ul>	All Staff
Bus Accident	<ul style="list-style-type: none"> <li>Children and Staff involved in a bus accident resulting in injury/death.</li> </ul>	Extreme	<ul style="list-style-type: none"> <li>Safe travel route and children to remain seated.</li> </ul>	Bus driver and all staff
Interaction with objects/activities from performance	<ul style="list-style-type: none"> <li>Injury/Accident</li> </ul>	Low/Moderate	<ul style="list-style-type: none"> <li>Active Supervision</li> </ul>	All staff

Plan prepared by				
Prepared in consultation with				
Communicated to				
Venue and safety information reviewed and attached		N/A		Comment if required: N/A
<b>Reminder: Monitor the effectiveness of controls and change if necessary. Review the risk assessment in an incident or significant change occurs.</b>				



## Risk Management Plan

	High	Students accompanied to the bus and marked on by paper roll. Staff ride on bus with children. Students all to remain seated throughout ride. If possible Buss will contain	Low	Staff
--	------	---	-----	-------

Risk Matrix		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood	Almost certain	Moderate	High	High	Extreme	Extreme
	likely	Moderate	Moderate	High	Extreme	Extreme
	Possible	Low	Moderate	High	High	Extreme
	Unlikely	Low	Low	Moderate	High	High
	Rare	Low	Low	Low	Moderate	High



## Early Learning Centre Variation to Routine 2019

PROPOSED ACTIVITY			
Teacher: [REDACTED]	Class:		
Activity: Book Week Big Dreams Performance			
Destination: Lyneham			
Date: 19.8.19	Time: 10am	No Students attending: 324 total	
Accompanying Adults (names) : All staff rostered on			
Method of Transport : N/A		Total Cost : \$ 7 + GST	Cost per Student : \$7+GST
ADMINISTRATION <span style="float: right;">Please tick</span>			
List of students involved attached	Yes	Letter to parents attached	Yes
Risk assessment attached	Yes		
Teacher Signature... [REDACTED]		Date	
Director ELC approval .....		Date .....	
Chief Finance Officer: .....		Date .....	
ADMINISTRATION <span style="float: right;">Please tick</span>			
Save Parent note, Risk Assessment & VTR in w drive <b>ELC/Administration/VTR Forms</b> - select appropriate folder			
Risk Assessment in Risk Assessment Folder - Save as by Date and Name <i>eg 20190615 Parent Incursion</i>			
VTR Form in VTR Folder - Save as by Date and Name <i>eg 20190615 Parent Incursion</i>			Yes
CHECK LIST <span style="float: right;">Please tick</span>			
Advise Kitchen staff if appropriate	N/A	If you require the Cook to provide food or ingredients please fill-in the <i>Ingredients Request Form</i>	
Inform relevant classes and families	Done		
Provide lessons for classes needing cover (If applicable)	N/A		
First Aid kit organised	On site		
Event booked (if applicable)	Incursion booked		
Mobile phone number: [REDACTED]			
FINANCE <span style="float: right;">Please Attach Invoice &amp; Proposed List of Students Attending</span>			
Excurison /Incursion Amount	\$7 per child + GST	Resource Cost \$N/A	
Bus cost \$ TBC	Total Cost \$ 7 per child + GST		

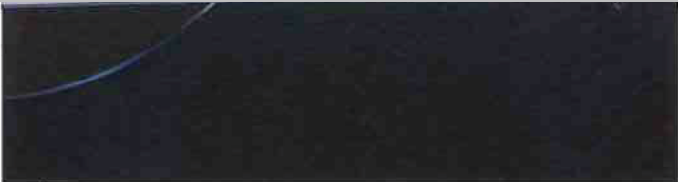


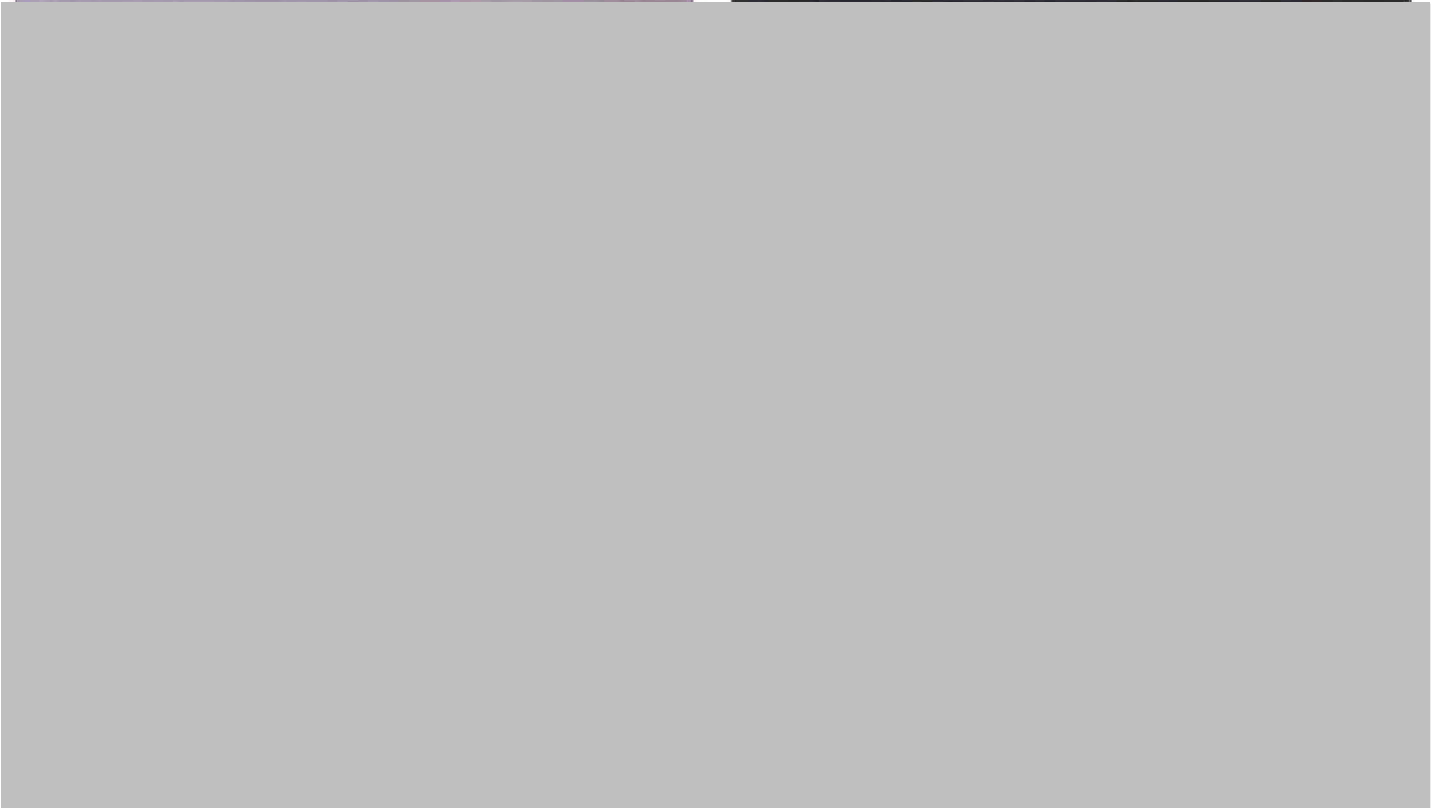
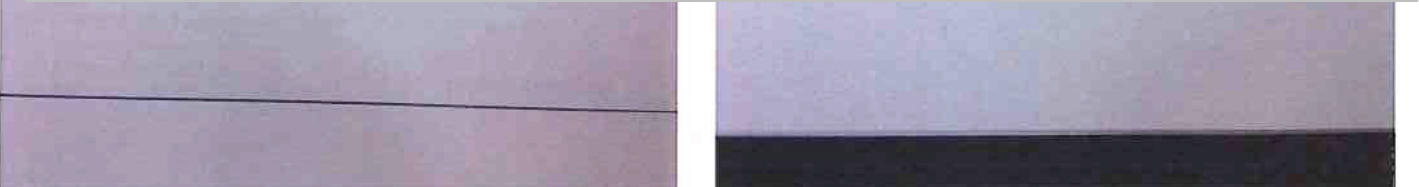
## Early Learning Centre Variation to Routine

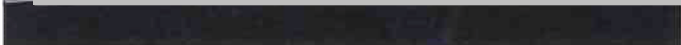
2019

STAFF INVOLVED				
Name of Educator:	Duties:	WWVP	Contact	Class
All rosters on 19.8.19				

BUS BOOKING FORM			Tick ✓
Name of Person Requesting the Bus Hire			
Campus and Year Level	Charnwood PK and P3/Junior school		
Day & Date Required for Hire	19.8.19		
Time of Pick-Up	9:20am		
Location ( Address in Full)	136 Brigalow Street, Lyneham ACT 2602		
Time of Return Pick-up	11:20am		
Return Pick-up Point ( Address in Full)	136 Brigalow Street, Lyneham ACT 2602		
Total Number of Students	68		
Total Number of Staff/Parents			
Contact Person & Phone Number on Day on Day of Hire			
Comments - Bus to pick up all Charnwood students at 920am. Drop to Lyneham and then pick up once again at 11:20am from Lyneham and return to Charnwood.			
Signed			Date





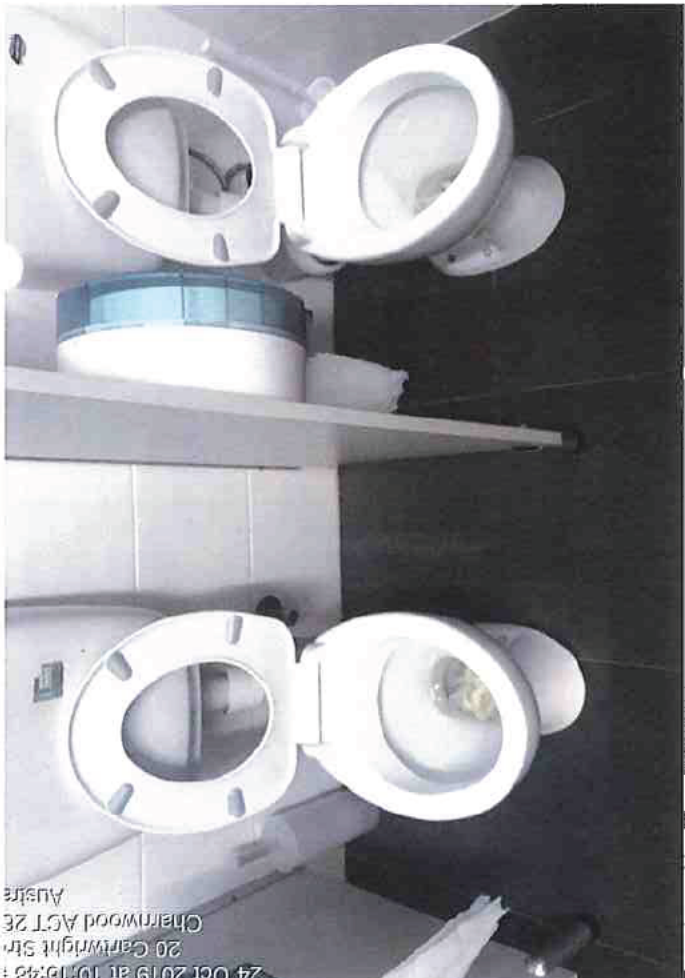
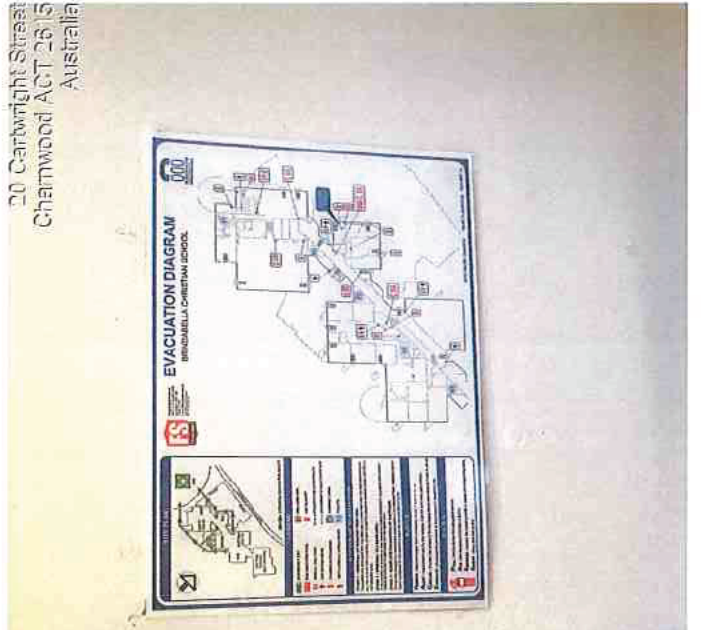




20 Cartwright Street  
Chamwood ACT 2615  
Australia



20 Cartwright Street  
Chamwood ACT 2615  
Australia



24 Oct 2019 at 10:19:48  
20 Cartwright Str  
Chamwood ACT 2615  
Australia

20 Cartwright Street  
Chamwood ACT 2615  
Australia



