



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2024-018
Date of Application	18 January 2024
Date of Decision	25 March 2024
Processing time (in working days)	45
Fees	N/A
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	Correspondence with Brindabella Christian College.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD.FOI](#)  
**Cc:** [REDACTED]  
**Subject:** Re: CMTEDDFOI 2023-358 - Decision Notice  
**Date:** Thursday, 18 January 2024 9:45:18 AM  
**Attachments:** [image001.png](#)  
[REDACTED].png

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Yes Emma I am,

Sent from my iPhone

On 18 Jan 2024, at 9:38 am, CMTEDD FOI <CMTEDDFOI@act.gov.au> wrote:

OFFICIAL

Good morning [REDACTED]

For clarity, can you please confirm you are now submitting a new request for:

*All correspondence related to Brindabella Christian College or Brindabella Christian Education Limited in any form between sections of the ACT Government **and** Reform BCC, [REDACTED], The Canberra Times and the RiotACT. For the last 3 years.*

Kind regards  
Emma

Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

**Corporate | Chief Minister, Treasury and Economic Development**

**Directorate | ACT Government**

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601

| [act.gov.au](http://act.gov.au)

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**From:** [REDACTED]

**Sent:** Wednesday, January 17, 2024 12:58 PM

**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>

**Cc:** [REDACTED] [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

**Subject:** Re: CMTEDDFOI 2023-358 - Decision Notice

You don't often get email from [REDACTED] [Learn why this is important](#)

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Dear Emma,

Thank you for your advice on refusal to provide the information requested. We are fully aware of the disclosure logs.


We will consider the review process, however, we will place the response into our submissions to the IC and NACC for their review alongside other associated matters.

Please adjust the request we have made to now be from reading:

*4. All correspondence in related to Brindabella Christian College or Brindabella Christian Education Limited in any form between the FOI sections of the ACT Government **and** ReformBCC, [REDACTED], [REDACTED] The Canberra Times and the RiotACT.*

To:

*All correspondence in related to Brindabella Christian College or Brindabella Christian Education Limited in any form between sections of the ACT Government **and** ReformBCC, [REDACTED], [REDACTED], The Canberra Times and the RiotACT. For the last 3 years.*



On 17 Jan 2024, at 12:37 pm, CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)> wrote:

**OFFICIAL**

Good afternoon

Please see attached a decision notice in relation to your FOI request for:

*4. All correspondence in related to Brindabella Christian College or Brindabella Christian Education Limited in any form between the FOI sections of the ACT Government **and** ReformBCC, Adero Law or Jody Jayatilaka, The Canberra Times and the RiotACT.*

The attached decision notice is for CMTEDD information.

Kind regards

Emma

Freedom of Information Coordinator | Information Access Team  
Phone: 02 6207 7754 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

**Corporate | Chief Minister, Treasury and Economic Development  
Directorate | ACT Government**

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158  
Canberra ACT 2601 | [act.gov.au](http://act.gov.au)

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This email, and any attachments, may be confidential and also privileged.  
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## FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 18 January 2024.

Specifically, you have sought access to the following information:

- *“All correspondence related to Brindabella Christian College or Brindabella Christian Education Limited in any form between sections of the ACT Government and Reform BCC, [REDACTED] or [REDACTED], The Canberra Times and the RiotACT. For the last 3 years.”*

### Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **25 March 2024**.

### Decision on access

Under section 35(2) an access application can be dealt with in more than one way.

The first part of my decision provides reasons for the release of information under s35(1)(a) of the Act and the second part of my decision deals with my decision under s35(1)(e) of the Act.

This decision notice applies to records held by CMTEDD. In this respect, enquiries were made by CMTEDD with other agencies that may hold records within scope of your request. Major Projects Canberra confirmed they did not hold any information within your requested scope. ACT Health confirmed they, and Canberra Health Services do not hold any information within your requested scope. Education Directorate accepted a partial transfer of your request. Community Services Directorate and Environment,

Planning and Sustainable Development Directorate confirmed they do not hold any information within your requested scope. Transport Canberra and City Services Directorate (TCCS) confirmed they already received your request therefore a transfer to TCCS from CMTEDD was not required.

## **Decision under s 35(1)(a) of the Act**

Searches of CMTEDD records have identified six documents within the scope of your request.

I have decided to grant **partial access** to six documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

## **Release of documents**

The information being released to you is provided at **Attachment B**.

## **Statement of Reasons**

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party views
- *Human Rights Act 2004*
- *ACT Civil and Administrative Tribunal Act 2008*
- *Publicly available information on the CMTEDD Disclosure log, including CMTEDDFOI 2023-358*
- *Brindabella Christian Education Ltd ACN 100 229 669 V Respondent XD 561 of 2021* (Civil Dispute) [\[2022\] ACAT 37](#)
- ACT Ombudsman Freedom of Information Guidelines.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

## **Exemptions claimed**

### **Schedule 1: Information taken to be contrary to the public interest.**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

- *No relevant sections identified.*

Schedule 1 has not been a relevant factor for consideration for the six documents within scope of your requested information where your application is being dealt with under section 35(1)(a) of the Act.

## **Public Interest Test**

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

### **Schedule 2: Factors to be considered when deciding the public interest**

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

#### ***Factors favouring disclosure under Schedule 2, Section 2.1 of the Act.***

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(iii) - inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*

I have placed substantial weight on the above factors favouring disclosure. It is reasonable to expect that information about this topic may be of interest to others within the Canberra community and contribute to informed debate about issues of interest.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

#### ***Factors favouring non-disclosure under Schedule 2, Section 2.2 of the Act.***

- *Section 2.2(a)(ii) - prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004.*

The dictionary of the Act defines **personal information** as follows:

#### ***personal information—***

*(a) means information or an opinion (including information forming part of a database), whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion; but*

*(b) for an individual who is or has been an officer of an agency or staff member of a Minister, does not include information about—*

*(i) the individual’s position or functions as an officer or staff member; or*

*(ii) things done by the individual in exercising functions as an officer or staff member.*

Having reviewed the information, I consider that the protection of an individual’s right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual’s right to privacy. However, where mobile phone numbers may be used for



home and work purposes, this information has been redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*.

During third party consultation, third parties objected to the release of personal information such as contact information. I have decided to redact contact information of third parties where the release of that information was objected to, and applied redactions to parts of emails where it is reasonable to assume that the contact information of third parties could be ascertained. This includes information that would identify any place of employment. I have also redacted mobile numbers and email addresses. I have released information of third parties where the release of that information was not objected to.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

#### **Additional Information**

I note that the emails being released contain a link to an ACT Civil and Administrative Tribunal (ACAT) decision to the following matter: *Brindabella Christian Education Ltd ACN 100 229 669 V Respondent XD 561 of 2021* (Civil Dispute) [2022] ACAT 37 (5 May 2022) (BCE Case). This is published on Austlii's website, here: [https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/act/ACAT/2022/37.html?context=1;query=brindabella%20christian%20college;mask\\_path=au/cases](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/act/ACAT/2022/37.html?context=1;query=brindabella%20christian%20college;mask_path=au/cases)

In the BCE Case, Senior Member E Ferguson has issued a non-publication order, which extends to publishing the names of children and their parents for material filed or received in evidence by ACAT, under *s. 39 of the ACT Civil and Administrative Tribunal Act 2008*.

#### **Decision under s 35(1)(e) of the Act**

I have decided to refuse to confirm or deny the existence of the requested government information under section 35(1)(e) of the Act. I have decided that the information, if it did exist, would be contrary to the public interest information and would, or could reasonably be expected to be an unreasonable limitation on a person's rights under the *Human Rights Act 2004*.

Section 12 of the Human Rights Act provides –

*Everyone has the right—*

*(a) not to have his or her privacy, family, home, or correspondence interfered with unlawfully or arbitrarily...*

Should the information exist, release could be expected to prejudice a person's right to privacy by disclosing contents of correspondence arbitrarily.

In preparing this response to your access application, I have considered the purpose for which the information has been collected, assurances provided to FOI applicants that their personal information will not be disclosed, which includes applicant identity

remaining anonymous when conducting third party consultation. When an applicant is advised that their FOI application and associated decision will be published, they are given the following assurances:

*Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.*

The release of this type of information has the potential to have a 'cooling' effect and could reasonably discourage members of the public from seeking access to government information due to concerns of their identity being disclosed.

### **Additional Information**

I note that a similar application was made with information released under reference number CMTEDD FOI 2023-358. In this respect the considerations have not changed. This decision is published on the Disclosure log and can be accessed here:

[https://www.cmtedd.act.gov.au/\\_data/assets/pdf\\_file/0003/2385804/2023-358..pdf](https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0003/2385804/2023-358..pdf)

### **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the Information Access Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Katharine Stuart  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

25 March 2024



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference No.

*"All correspondence related to Brindabella Christian College or Brindabella Christian Education Limited in any form between sections of the ACT Government and Reform BCC, ...  
The Canberra Times and the RiotACT. For the last 3 years"*

CMTEDDFOI 2024-018

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-7	Email chain, Subject: "Questions for Fair Trading"	18/02/2021	Partial release	Sch 2 s 2.2(a)(ii)	Yes
2	8	Email chain, Subject: "Questions for Fair Trading"	10/05/2022- 06/06/2022-	Partial release	Sch 2 s 2.2(a)(ii)	Yes
3	10	Email, Subject: "Questions for Fair Trading"	16/05/2022	Partial release	Sch 2 s 2.2(a)(ii)	Yes
4	11-14	Email chain, Subject: "Question regarding Brindabella Christian College"	28/08/2023- 29/08/2023	Partial release	Sch 2 s 2.2(a)(ii)	Yes
5	15-16	Email chain, Subject "Uncertified buildings at Brindabella Christian College"	12/09/2023- 13/09/2023	Partial release	Sch 2 s 2.2(a)(ii)	Yes
6	17-18	Email, Subject: "Brindabella Christian College"	12/10/2023	Partial release	Sch 2 s 2.2(a)(ii)	Yes
<b>Total No of Docs</b>						
6						

**From:** Sch 2.2(a)(ii)  
**To:** [CMTEDDMedia](mailto:CMTEDDMedia)  
**Subject:** Re: Questions for Fair Trading  
**Date:** Thursday, 18 February 2021 1:43:47 PM  
**Attachments:** [image002.jpg](#)  
[image004.jpg](#)  
[image006.jpg](#)  
[image008.jpg](#)  
[image010.jpg](#)

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Hi Dion,

Thanks for this response.

Kind regards,

Sch 2.2(a)(ii)

On Thu, Feb 18, 2021 at 12:43 PM CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)> wrote:

OFFICIAL

Hi Sch 2.2(a)(ii)

Apologies for the delay. Please find the response below, attributable to an ACT Government spokesperson.

- Access Canberra does not comment publicly on specific complaints.
- Access Canberra administers and enforces the Australian Consumer Law (ACL) in the ACT. Businesses are prohibited from engaging in misleading or deceptive conduct in trade or commerce. Businesses are also prohibited from making false or misleading representations about goods or services in trade or commerce. Penalties for breaching these laws could include warnings, fines, pecuniary penalties or injunctions.
- If a court or tribunal finds that a term in a standard form contract is 'unfair', the term will be void – this means it is not binding on the parties.

All the best,

Dion

**Dion Pretorius** | Senior Director, Engagement

E: [dion.pretorius@act.gov.au](mailto:dion.pretorius@act.gov.au) | (02) 6207 6130

24/7 CMTEDD Media Line: 0466 937 557

**Communications and Engagement** | Chief Minister, Treasury and Economic Development Directorate

ACT Government

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**From:** Sch 2.2(a)(ii) >  
**Sent:** Thursday, 18 February 2021 12:02 PM  
**To:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>  
**Subject:** Re: Questions for Fair Trading

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

I did not receive a response to these questions yesterday. Can you give an indication when a response will be ready?

Regards,

Sch 2.2(a)(ii)

On Wed, Feb 17, 2021 at 9:37 AM Sch 2.2(a)(ii) wrote:

Good morning,

I have some questions for Fair Trading regarding an independent school in Canberra, Brindabella Christian College. Please let me know if this is the correct place to send them.

My questions are:

- Has Fair Trading been in contact with the school regarding unfair terms in it's enrolment agreement and enrolment policy?
- What are the problems Fair Trading has identified with some of the terms contained in these documents?
- What action has Fair Trading asked the school to do as a result?
- What was the response of Brindabella Christian College management?
- Is Fair Trading aware of misleading claims being made by the school in it's bus advertising campaign?
- What are the penalties for publishing ads with incorrect or misleading statements?

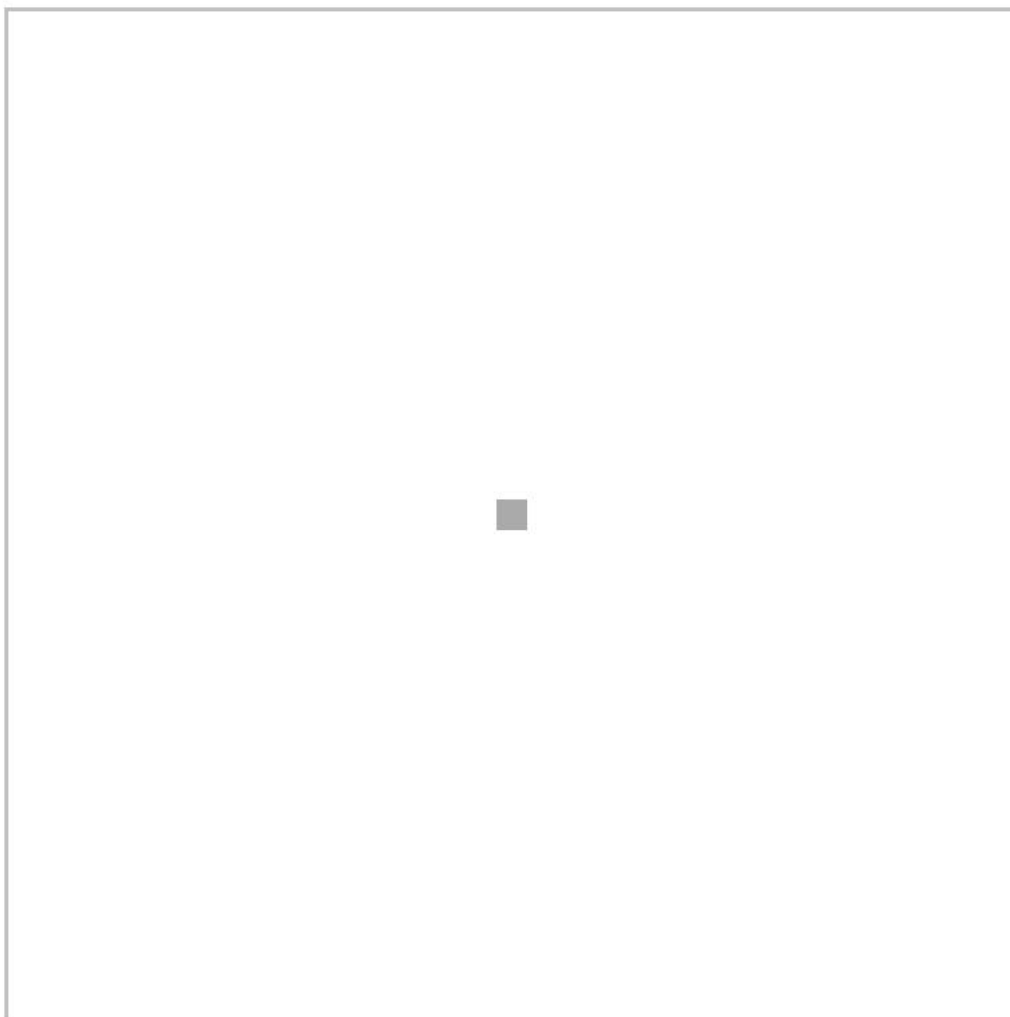
For more context on the advertising campaign, I have attached photos below. The following claims are potentially false:

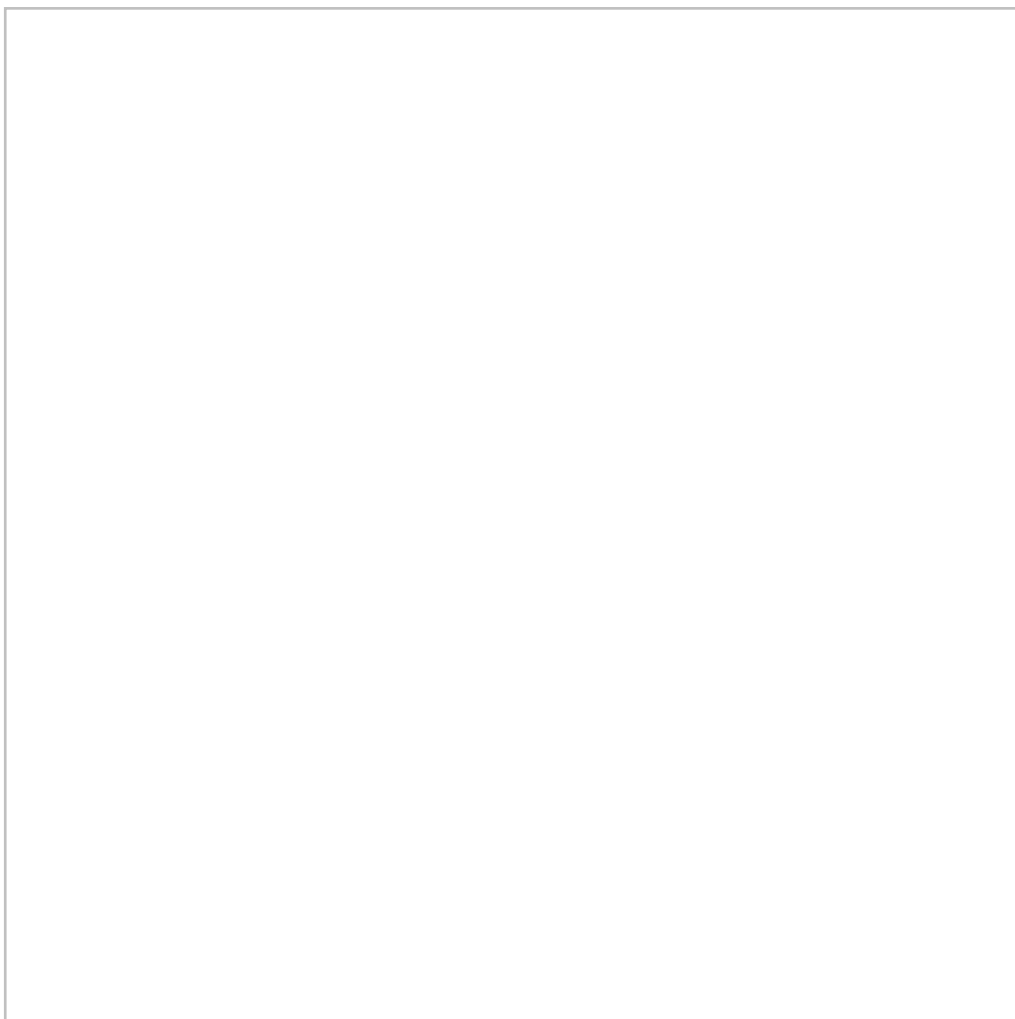
- 50% of year 12s scored an ATAR over 99
- Charnwood Early Learning Centre Blitzes National Quality Standards ([latest available rating shows it was "meeting" NQS](#), while the proprietor was required to attend a fit and proper persons assessment [after workers threatened children](#))

I would appreciate a response by 4pm today.

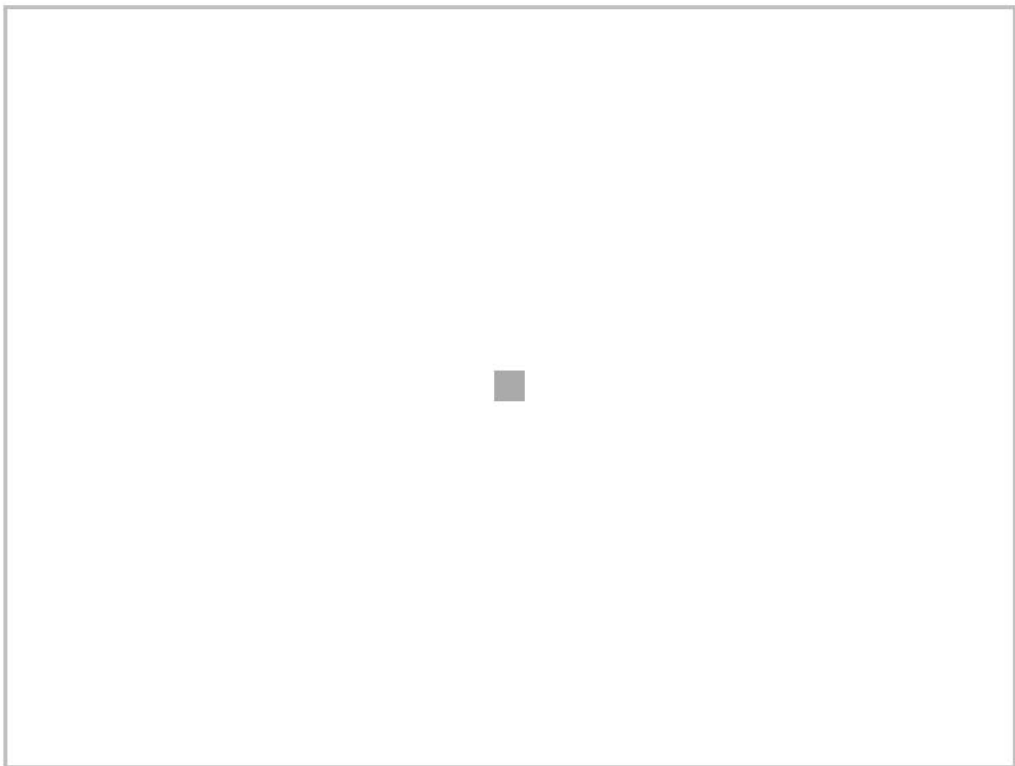
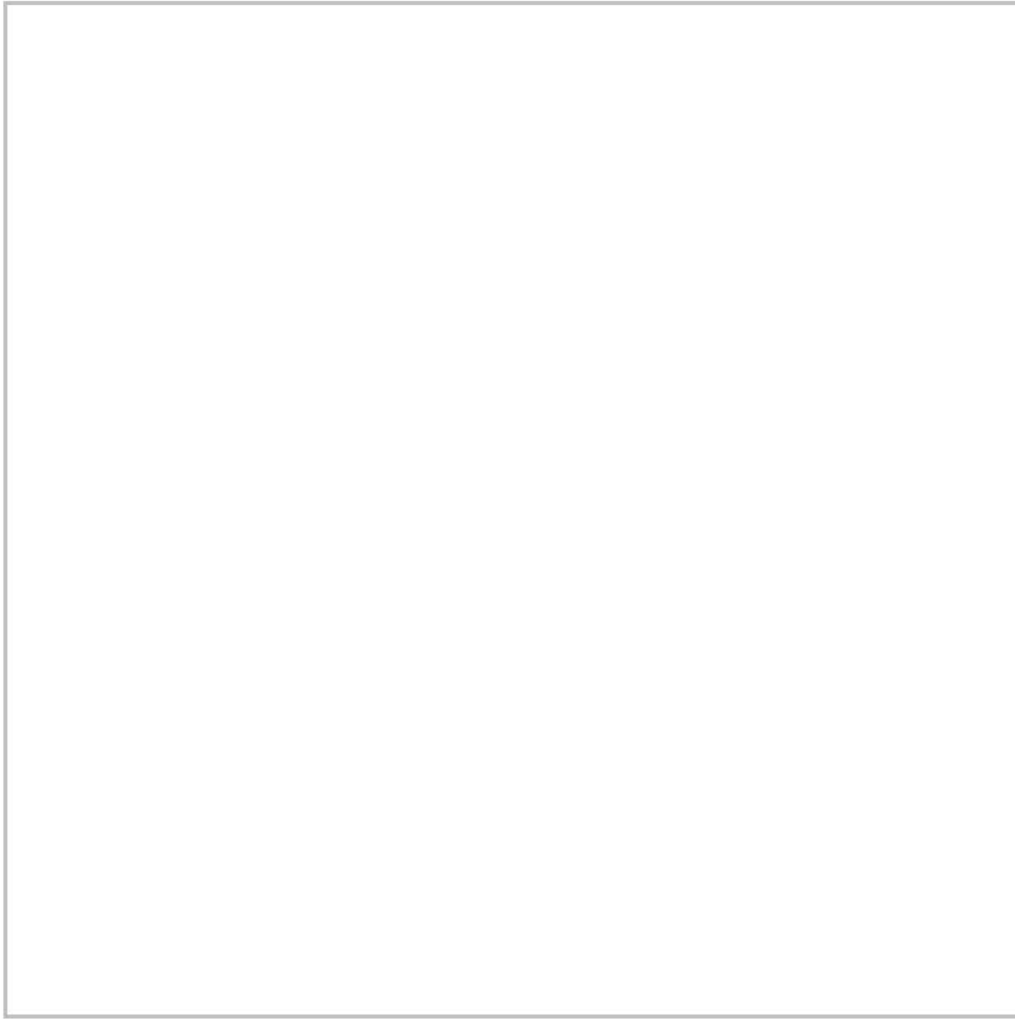
Kind regards,

Sch 2.2(a)(ii)









Sch 2.2(a)(ii)

Journalist - Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

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Sch 2.2(a)(ii)

Journalist Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Journalist - Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

# Sch 2.2(a)(ii)

From: [CMTEDDMedia](#)  
 To: [Sch 2.2\(a\)\(ii\)](#)  
 Cc: [CMTEDDMedia](#)  
 Subject: RE: Questions for Fair Trading  
 Date: Monday, 6 June 2022 4:17:47 PM

UNOFFICIAL

Hi [Sch 2.2](#)

Thanks for your email. Response below. You can quote an ACT Gov spokesperson.

Thank you

Alex

**START****Does this decision have implications for other Canberra private schools if they have a similar term in their contract?**

Whether the decision has implications for other Canberra private schools will be dependent on the context of each individual school's contract as a whole.

**Will Access Canberra be providing guidance for parents and schools on this decision made by the tribunal in terms of what their rights and responsibilities are under consumer law?**

Access Canberra regularly undertakes education in relation to Australian Consumer Law. This includes informing the public about their rights and responsibilities when it comes to unfair contracts. Given the ACAT decision was based on the specific circumstances of the case, Access Canberra cannot provide specific guidance to all parents and schools.

Information on unfair contract terms can be found on the Access Canberra and Australian Competition and Consumer Commission websites. The ACAT decision on this case can be found on the ACAT website.

**END**

From: [Sch 2.2\(a\)\(ii\)](#)  
 Sent: Friday, 3 June 2022 4:11 PM  
 To: CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>  
 Subject: Re: Questions for Fair Trading

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Hello,

I would like to follow up on my earlier request regarding the ACAT decision that a certain term Brindabella Christian College's contract was unfair.

I understand that the period for appeal (28 days after the decision) has now lapsed and there has been no application for appeal received by ACAT.

My questions are:

- Does this decision have implications for other Canberra private schools if they have a similar term in their contract?
- Will Access Canberra be providing guidance for parents and schools on this decision made by the tribunal in terms of what their rights and responsibilities are under consumer law?

A response by close of business Monday, June 6 would be ideal. Let me know if there are any issues.

Kind regards,

[Sch 2.2\(a\)\(ii\)](#)

On Mon, May 16, 2022 at 2:34 PM CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)> wrote:

UNOFFICIAL

Hi [Sch 2.2](#)

Thank you for your patience on this one.

Response below, you can attribute to an ACT Government spokesperson. I will also give you a call shortly to provide some information on background.

Thank you

Alex

**START**

*Access Canberra notes and respects the ACT Civil and Administrative Tribunal (ACAT) outcome.*

*The Australian Consumer Law (ACL) protects individuals and small businesses from unfair terms in standard form contracts. If a court or tribunal finds that a term is 'unfair', the term will be void – this means it is not binding on the parties. The rest of the contract will continue to bind the parties to the extent it is capable of operating without the unfair term.*

*Only a court or tribunal, not the Australian Competition and Consumer Commission, nor a State or Territory ACL regulator, can decide that a term is unfair.*

**END**

From: [Sch 2.2\(a\)\(ii\)](#)  
 Sent: Tuesday, 10 May 2022 12:50 PM  
 To: CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>  
 Subject: Questions for Fair Trading

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good afternoon,

I have some questions for Access Canberra regarding a decision in ACAT relating to unfair terms in the enrolment contract for Brindabella Christian College.

Senior Member Ferguson found that the enrolment contract was a standard form contract under Australian Consumer Law and that [one of the terms was unfair](#) in that it financially penalised parents if they did not give a full term of notice of their intention to withdraw children from the school. The term is now void.

My questions are:

- Will Access Canberra ask the Federal Court to declare that the term in the consumer contract is unfair since the Tribunal made this decision?
- Is there a role for Access Canberra to ensure the school changes the contract to remove the unfair terms?
- Is there a role for Access Canberra to educate parents at Brindabella Christian College on the unfair term in the contract?
- Could there be other Canberra private schools who are affected by this decision under Australian Consumer Law?

I would appreciate a response by close of business tomorrow (May 11). Please let me know if you require any clarification.

Kind regards,

Sarah

[Sch 2.2\(a\)\(ii\)](#)[Journalist](#) [Sch 2.2\(a\)\(ii\)](#)

# Sch 2.2(a)(ii)

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[Sch 2.2\(a\)\(ii\)](#)  
 Journalist [Sch 2.2\(a\)\(ii\)](#)

# Sch 2.2(a)(ii)

From: CMTEDDMedia  
To: Sch 2.2(a)(ii) ; CMTEDDMedia  
Subject: RE: Questions for Fair Trading  
Date: Monday, 16 May 2022 2:33:57 PM

UNOFFICIAL

Hi Sch 2

Thank you for your patience on this one.

Response below, you can attribute to an ACT Government spokesperson. I will also give you a call shortly to provide some information on background.

Thank you

Alex

**START**

Access Canberra notes and respects the ACT Civil and Administrative Tribunal (ACAT) outcome.

The Australian Consumer Law (ACL) protects individuals and small businesses from unfair terms in standard form contracts. If a court or tribunal finds that a term is 'unfair', the term will be void – this means it is not binding on the parties. The rest of the contract will continue to bind the parties to the extent it is capable of operating without the unfair term.

Only a court or tribunal, not the Australian Competition and Consumer Commission, nor a State or Territory ACL regulator, can decide that a term is unfair.

**END**

From: Sch 2.2(a)(ii) >  
Sent: Tuesday, 10 May 2022 12:50 PM  
To: CMTEDDMedia <CMTEDDMedia@act.gov.au>  
Subject: Questions for Fair Trading

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good afternoon,

I have some questions for Access Canberra regarding a decision in ACAT relating to unfair terms in the enrolment contract for Brindabella Christian College.

Senior Member Ferguson found that the enrolment contract was a standard form contract under Australian Consumer Law and that [one of the terms was unfair](#) in that it financially penalised parents if they did not give a full term of notice of their intention to withdraw children from the school. The term is now void.

My questions are:

- Will Access Canberra ask the Federal Court to declare that the term in the consumer contract is unfair since the Tribunal made this decision?
- Is there a role for Access Canberra to ensure the school changes the contract to remove the unfair terms?
- Is there a role for Access Canberra to educate parents at Brindabella Christian College on the unfair term in the contract?
- Could there be other Canberra private schools who are affected by this decision under Australian Consumer Law?

I would appreciate a response by close of business tomorrow (May 11). Please let me know if you require any clarification.

Kind regards,

Sarah

--

Sch 2.2(a)(ii)  
Journalist: Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

**From:** Sch 2.2(a)(ii)  
**To:** [CMTEDDMedia](#)  
**Cc:** [EPSDD Media](#)  
**Subject:** Re: Question regarding Brindabella Christian College  
**Date:** Tuesday, 29 August 2023 5:03:51 PM  
**Attachments:** [image001.png](#)

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Hi Jacquie,

Thanks for this response.

Kind regards,

Sch 2.2(a)(ii)

On Tue, Aug 29, 2023 at 4:21 PM CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)> wrote:

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This message came from outside your organization.

**OFFICIAL**

Hi Sch 2.2(a)(ii)

Please find the response below. It can be attributed to an ACT Government spokesperson.

**START**

Following receipt of a complaint, Access Canberra inspected the premises on 9 August 2023 and subsequently issued a Stop Work Notice under the Building Act 2004 on 10 August 2023.

The Stop Work will remain in place until compliance issues are rectified.

Given this is an active investigation, no further information can be provided at this stage.

**END**

Cheers,

Jacquie

CMTEDD MEDIA

24/7 CMTEDD Media Line: 0466 937 557

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

Communications & Engagement | Chief Minister Treasury and Economic Development Directorate | ACT

**Government**

220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**From:** EPSDD Media <[EPSDDMedia@act.gov.au](mailto:EPSDDMedia@act.gov.au)>  
**Sent:** Tuesday, 29 August 2023 9:02 AM  
**To:** [REDACTED]  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>  
**Subject:** RE: Question regarding Brindabella Christian College

**OFFICIAL**

Hi [REDACTED]

Thanks for your enquiry. Access Canberra (CC'd) will be able to help you with this one.

Thanks,

Ryan

**Ryan Towler** | Media Officer  
P [REDACTED] | E [Ryan.Towler@act.gov.au](mailto:Ryan.Towler@act.gov.au)

**Media** | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 4 (Snow Gum), 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601

[www.environment.act.gov.au](http://www.environment.act.gov.au) | [www.planning.act.gov.au](http://www.planning.act.gov.au)

For **EPSDD media enquiries** please call **0401 766 218**

**From:** [REDACTED]  
**Sent:** Monday, 28 August 2023 5:01 PM  
**To:** EPSDD Media <[EPSDDMedia@act.gov.au](mailto:EPSDDMedia@act.gov.au)>  
**Subject:** Question regarding Brindabella Christian College

You don't often get email from [sarah.lansdown@canberratimes.com.au](mailto:sarah.lansdown@canberratimes.com.au). [Learn why this is important](#)

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Good afternoon,

I have a few questions regarding the Lyneham campus of Brindabella Christian College.

- Has there been a complaint regarding a construction at this campus since July 1?
- What was the nature of the complaint?



- Who made the complaint?
- Has the Rapid Regulatory Response Team responded to any compliance issues at the Brindabella Christian College Lyneham campus since July 1?
- If so, which buildings are subject to compliance issues?
- Has any stop work notice or other orders, directions, penalties, injunctions or notices been issued to Brindabella Christian College?
- Has the school complied with any notices or directions?

I would appreciate a response by 5pm Tuesday, 29 August. Please let me know if there are any issues.

Kind regards,

Sch 2.2(a)(ii)

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Sch 2.2(a)(ii)  
Journalist - Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

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Sch 2.2(a)(ii)  
Journalist - Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

# Sch 2.2(a)(ii)

**From:** [Bunt, Jacquie](#) on behalf of [CMTEDDMedia](#)  
**To:** [Sch 2.2\(a\)\(ii\)](#)  
**Cc:** [CMTEDDMedia](#)  
**Subject:** RE: Uncertified buildings at Brindabella Christian College  
**Date:** Wednesday, 13 September 2023 3:08:01 PM  
**Attachments:** [image001.png](#)

## OFFICIAL

Hi [Sch 2.2\(a\)\(ii\)](#)

Thanks for the chat earlier today. Please find the response below. It can be attributed to an ACT Government spokesperson.

If you need anything in the Chief Minister, Treasury, Economic Development space (including Access Canberra), feel free to reach out to us directly.

## START

Access Canberra does not comment on individual matters or investigations. If a member of the community has a concern about possible non-compliance with planning or construction matters, they should report their concerns to Access Canberra by visiting [accesscanberra.act.gov.au](https://accesscanberra.act.gov.au) or calling 13 22 81 so that appropriate regulatory action may be considered. If a member of the community has a concern about workplace safety, these are best [reported to Worksafe ACT](#).

## END

Cheers,

Jacquie

CMTEDD MEDIA

24/7 CMTEDD Media Line: 0466 937 557

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

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**From:** [Sch 2.2\(a\)\(ii\)](#) >  
**Sent:** Tuesday, 12 September 2023 9:55 AM  
**To:** AC, eDevelopmentBA <[ACeDevelopmentBA@act.gov.au](mailto:ACeDevelopmentBA@act.gov.au)>  
**Subject:** Uncertified buildings at Brindabella Christian College

You don't often get email from [Sch 2.2\(a\)\(ii\)](#). [Learn why this is important](#)

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[Learn why this is important](#)

Good morning,

My name is [Sch 2.2\(a\)\(ii\)](#) and I'm a journalist at [Sch 2.2\(a\)\(ii\)](#). I'm getting in touch regarding demountable buildings at Brindabella Christian College.

I have heard that the demountables known as 'Block C' are not certified and do not have documentation and that the site is approved to be the location of a maintenance shed.

I would like to know if you could clarify this, and also offer some comment on the safety issues about this if this is the case.

Please let me know if you're able to help.

Kind regards,

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Journalist



E. Sch 2.2(a)(ii)

M. Sch 2.2(a)(ii)

W. [Region.com.au](http://Region.com.au)

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**From:** [Bunt, Jacquie](#) on behalf of [CMTEDDMedia](#)  
**To:** [Sch 2.2\(a\)\(ii\)](#)  
**Cc:** [CMTEDDMedia](#)  
**Subject:** Brindabella Christian College  
**Date:** Thursday, 12 October 2023 5:21:39 PM  
**Attachments:** [image001.png](#)

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OFFICIAL

Hi [Sch 2.2\(a\)\(ii\)](#),

Please find the following info below. It can be attributed to an ACT Government spokesperson.

**ACT Government Response:**

**START**

Access Canberra is investigating a number of issues in relation to BCC. These include:

1. **Use of demountable buildings located on the southeastern border a site allocated for a maintenance shed.**

Regarding the use of demountable buildings located on the south eastern border:

- Approval was granted for a maintenance shed on the southeastern boundary in 2017.
- As this is an active investigation, no further information can be provided at this stage.

2. **New demountable buildings located on the western boundary of the school.**

Regarding the new demountable buildings located on the western boundary of the school:

- Access Canberra received an anonymous complaint regarding a different construction at Brindabella Christian College that has allegedly been occurring since 1 July 2023. The allegations relate to a lack of public notification about the building of
  - a new two-storey classroom,
  - a covered walkway, and
  - two demountable buildings that may be encroaching on the Brigalow Street public boundary.
- Access Canberra inspected the site on 9 August 2023 and found:
  - No breaches in relation to the two-storey building.
  - No breaches in relation to the covered walkway.
  - The demountable buildings were not encroaching on the front boundary.
  - However, the two demountable buildings did not have building approval.

As a result of NOT having building approval for the two demountable buildings, Access Canberra undertook the following actions:

- Access Canberra issued a Stop Work Notice under the Building Act 2004 on 10 August 2023 in respect of the demountable buildings.
- The Notice requires that a new building approval be issued before any further building work is undertaken. While Access Canberra understands that building work had been undertaken in respect of the demountable buildings, the Stop Work Notice will prevent any work being done without the proper approvals.
- Access Canberra understands the two demountable buildings referred to have recently been transported to the school premises and are not connected to services or being used.
- As this is an active investigation, no further information can be provided at this stage.

Access Canberra will work with the lessee to bring the work into compliance with the legislation, in accordance with its Accountability Commitment and Regulatory Compliance Framework.

**END**

**Jacqueline Bunt – Media and Public Relations**

24/7 CMTEDD Media Line: 0466 937 557

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

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