



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2024-2025

Ms Nicole Lawder MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Miss Laura Nuttall MLA

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**

Asked by: Ms Jo Clay MLA

Addressed to: Minister for Education and Youth Affairs

Redirected to: NA

Reference: Uncorrected Hansard Transcript pages 119-120

In relation to: Brindabella Christian College

Hearing Date: 1 August 2024

QTON lodgement date: 2 August 2024

Answer Due Date: 7 August 2024

MS CLAY: Minister, I would like to check in about Brindabella Christian College. You publicly stated that closing Brindabella Christian College or cutting funding would be a last option response to their breaches to the requirements of their current funding as a non-government school. What exactly are the consequences that they are likely to face at this point?

Ms Haire: So, Ms Clay, this is a matter that is with the regulator at the moment and Ms Brookes is the acting regulator for early childhood education care and also the registrar for non-government schools in the ACT.

Ms Brookes: Yes, Clare Brooks Acting Executive Branch Manager, Education and Care Regulation and Support, and also Acting Registrar non-government schools. In relation to specifics—

THE CHAIR: Would you just acknowledge the privilege statement?

Ms Brookes: I have read and understood the privilege statement. In relation to specific around schools and around matters that are currently active unfortunately it would not be appropriate to provide any details at this time.

MS CLAY: I might try and get some information in general, we will see how we go. Are there limits on numbers of students that should be enrolled at schools? Is that one of the things that usually happens at schools? There is enrolment limits?

Ms Brookes: There is not an enrolment limit, but if the school is proposing to introduce different levels then that would be an amendment to the registration and that would be by application

MS CLAY: So, there is enrolment numbers set in registration?

Ms Brookes: Not numbers, but years.

THE CHAIR: Can I just stop there. The first question you said you perhaps were unable to answer. Are you claiming confidentiality?

Ms Berry: No, she is going to take that question on—we will take that question on notice. I think it might be helpful to explain I guess the process that we have been going through—or what we go through now, I guess, around schools. There might be a circumstance where we have to respond in different kinds of ways. If you could maybe start from the beginning of that process, it is not very long, but just to sort of go here is the things that need to happen before we would make the decision to close the school.

THE CHAIR: Quite quickly because I think we are all genuinely aware.

Ms Brookes: So, if a concern is raised regarding a school then the registrar can determine whether or not to make inquiries. So, a person can make inquiries on behalf of the registrar, all the matter can be referred back to the school to investigate and to report back to the registrar if required.

If those inquiries are made by an approved person and the registrar is satisfied that there may have been failure to comply with the Act, and then the registrar can refer that—or must refer that to the Registration Standards Advisory Board, who will then provide a report to the Minister for consideration.

If the Minister determines it is appropriate, a show-cause notice will be sent to the proprietor of the school, setting out concerns and the proposed course of action. The proprietor will be given the opportunity to respond to that within 60 days—I beg your pardon, 14 days, and then that matter will be referred back to the Registration Standards Advisory Board to provide further advice to the Minister.

MS CLAY: Sorry, can I just clarify, what is the question that is been taken on notice?

Ms Berry: At the start, I think there was a question around a particular for the next steps.

MS CLAY: Yes, where they are up to. We initially heard that we could not be told because it is under investigation, but actually you have taken that on notice, and you will come back on notice with where that investigation is up to.

Ms Berry: Well, we will get advice and see what we can say about a specific school. We can give you the general information, which is what we said, but we will get advice understanding the committee is powers. But we will get advice on what we can provide. Whether that is provided in private or in some other way.

Yvette Berry MLA: The answer to the Member's question is as follows:

Chapter 4 of the *Education Act 2004 (the Act)* provides Registration Standards for non-government schools.

The Registration Standards outline the obligations and compliance requirements for non-government school proprietors in four key areas:

- 1) governance, including financial viability;
- 2) educational programs;
- 3) safety and welfare; and
- 4) requirements for operation, including compliance with other applicable laws.

The Registration Standards Advisory Board (RSAB) is integral to the regulatory framework and decision-making of the Minister's statutory role and the Registrar's statutory role. Both the Minister and Registrar have compliance functions under *the Act*.

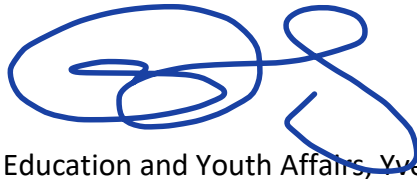
Before any regulatory action can be taken against the proprietor of a school, the Minister and the Registrar must apply natural justice and procedural fairness and follow the processes set out in chapter 4 of *the Act*.

Under the Act, there are a range of regulatory actions that can be taken if the Minister is satisfied on reasonable grounds, that the school has contravened a condition of its registration or failed to comply with *the Act*. Under the Act, the regulatory actions available are imposing or amending a condition on a school's registration, cancelling a school's registration and disqualifying the proprietor of the school from applying for registration of a school.

The Registrar of Non-Government Schools does not make comment on the specifics of active regulatory matters in order to protect the integrity of the process and ensure procedural fairness to all parties.

Approved for circulation to the Select Committee on Estimates 2024-2025

Signature:



Date: 12/08/24

By the Minister for Education and Youth Affairs, Yvette Berry MLA