

VICTORIAN INSTITUTE OF TEACHING

DECISION AND REASONS OF THE FORMAL HEARING

NUMBER: 069

REGISTERED TEACHER: Renai Gladys BROCHARD (nee LEWIS) registered as Ginetta ROSSI

PANEL MEMBERS: Susan Halliday, Chairperson
Kevin Pope, Registered Teacher
Rhonda Cumberland, Panel Member

ATTENDANCE: Ms Brochard did not attend the Hearing
Ms Anne Sheehan, Counsel Assisting with Ms A Haslam instructing

DATE OF HEARING: 28 August 2008

DETERMINATION UNDER SECTION 2.6.46(2) OF THE *EDUCATION TRAINING AND REFORM ACT 2006*:

On 1 October 2008 the Panel cancelled the registration as a teacher of Renai Brochard (nee Lewis), who was registered in the name of Ginetta Rossi.

REASONS

BACKGROUND

A person by the name of Ginetta Rossi became registered with the Victorian Institute of Teaching (the Institute) on 24 July 2007. The applicant was registered following completion of an *Application for Registration under Mutual Recognition* Form received by the Institute on 4 June 2007.

On 24 October 2007, the Institute received a telephone call from the Teachers' Registration Board of South Australia advising that the person purporting to be Ginetta Rossi had possibly obtained her registration by fraud or misrepresentation.

Following a police investigation Renai Brochard (nee Lewis) was charged and on 17 April 2008 at Moorabbin Magistrates' Court, she was convicted of three offences resulting from her fraudulent registration as Ginetta Rossi.

The matter was referred to the Institute's Disciplinary Proceedings Committee (the Committee) on 14 May 2008 following finalisation of the criminal proceedings. The Committee decided the matter should proceed to formal hearing.

The Notice of Formal Hearing dated 30 July 2008 was served upon the registered teacher personally on 14 August 2008.

THE LAW

Section 2.6.20(1) of the *Education and Training Reform Act 2006* (the Act) details the Institute's obligation to conduct a Formal Hearing when it believes that the registration of a teacher has been obtained by fraud or misrepresentation.

Section 2.6.20(3) states that the provisions applying to the conduct of a Formal Hearing under Division 12 of the Act apply to a Hearing under this section.

Section 2.6.30(4) of the Act states that if, at the end of the Hearing, the Institute determines that the registration of the teacher has been obtained by fraud or misrepresentation, the Institute may cancel the registration of the teacher or take any other action that may be taken under Division 12.

DOCUMENTS CONSIDERED

The Panel was provided with the following documentary evidence:

1. Ginetta Rossi - Registration Details (4 pages) **001-004**
2. Witness statement
 - o Barbara Carter dated 30 July 2008 (2 pages) **005- 006** and annexures

- BC01 - Application Form (6 pages) **007-012**
 - BC02 – Mutual Recognition Check (1 page) **013**
 - BC03 – Letter of 4 June 2007 (2 pages) **014-015**
 - BC04 – Copy Certificate of Live Birth (1 page) **016**
 - BC05 – Copy Certificate of Marriage (1 page) **017**
 - BC06 – Certified copy Certificate of Live Birth (1 page) **018**
 - BC07 – Certified copy Certificate of Marriage (1 page) **019**
 - BC08 – letter of 24 July 2007 (1 page) **020**
 - BC09 – letter of 24 July 2007 (registration processed) (1 page) **021**
 - BC10 – letter from Melbourne Montessori School (1 page) **022**
- 3. Documents provided by Magistrates’ Court Moorabbin**
- Certified extract of Orders made at Magistrates’ Court Moorabbin dated 17 April 2008 – Charge 1 (1 page) **023**
 - Certified extract of Orders made at Magistrates’ Court Moorabbin dated 17 April 2008 – Charge 2 (1 page) **024**
 - Certified extract of Orders made at Magistrates’ Court Moorabbin dated 17 April 2008 – Charge 3 (1 page) **025**
 - Certified extract of Orders made at Magistrates’ Court Moorabbin dated 17 April 2008 – Charge 4 (1 page) **026**
 - Certified extract of Orders made at Magistrates’ Court Moorabbin dated 17 April 2008 – Charge 5 (1 page) **027**
- 4. Documents released by Victoria Police to the Institute pursuant to a Freedom of Information request**
- Prosecutions Brief Cover Sheet (2 pages) **028- 029**
 - Brief Cover Sheet (1 page) **030**
 - Brief Head (2 pages) **031-032**
 - Identifiers Report (1 page) **033**
 - Summary of Charges (2 pages) **034- 035**
 - Charge sheet (3 pages) **036- 038**
- 5. Document provided by Teachers Registration Board of South Australia pursuant to section 53(d) of *Teachers Registration and Standards Act 2004 (SA)***
- Investigative Time & Event Information (3 pages) **039-041**
 - Statement of Ginetta Rossi dated 7 November 2007 (7 pages) **042-048**
 - Specimen signature of Ginetta Rossi dated 5 November 2007 (1 page) **049**
- 6. Notice of Formal Hearing dated 30 July 2008.**

The following exhibits were tendered at the Formal Hearing:

- A.** Letter including Notice of Hearing served
- B.** The complete volume of Notice of Hearing material.

- C. A copy of a Birth Certificate with the date 3 July 2007, that was received by the Institute on 2 July 2007. The Birth Certificate which was dated by the CPA, showed an act by the Principal to certify, although not authorised to do so.

THE ALLEGATIONS

The allegations as set out in the Notice of Formal Hearing are:

The Institute received the following information indicating that Ms Renai Brochard (nee Lewis) registered herself in the name of Ms Ginetta Rossi, that registration being obtained by fraud or misrepresentation:

1. On 4 June 2007 the Institute received an Application for Registration from a person purporting to be Ms Ginetta Rossi (nee Brochard) made under the *Mutual Recognition Act* on the basis that she was currently registered as a teacher in South Australia. The Application was made and declared under the name of Ginetta Rossi but signed under the name Brochard.
2. In support of the Application for Registration the person purporting to be Ms Ginetta Rossi (nee Brochard) supplied to the Institute:
 - a. a certified copy Certificate of Registration in the name of Ginetta Rossi
 - b. a certified copy Certificate of Live Birth in the name of Ginetta Renai Rossi
 - c. a certified copy Certificate of Marriage for Ginetta Rossi
3. On 17 April 2008 at Moorabbin Magistrates' Court, Ms Renai Brochard (nee Lewis) was convicted of the following offences resulting from her fraudulent registration:
 - i. one count of obtaining financial advantage by deception
 - ii one count of obtaining property by deception
 - iii three counts of making a false document to prejudice others.

Ms Renai Brochard (nee Lewis) was sentenced to an imprisonment term of 3 months, wholly suspended for 12 months.

THE EVIDENCE

A Notice of Formal Hearing dated 30 July 2008 was served upon Renai Brochard (nee Lewis) personally on 14 August 2008. Renai Brochard (nee Lewis) did not attend the Formal Hearing, nor did a representative attend.

The Panel was confident that the principles of natural justice had been adhered to. Clear that the rules of evidence did not apply and that the Panel was positioned to inform itself in the manner it deemed appropriate, panel members acknowledged from the outset that the 'matter of registration obtained by fraud' before them was the first case of its kind to have come before the Institute's Disciplinary Proceedings Committee and a Formal Hearing.

Mindful of Sections 2.6.20(1) and 2.6.20(3) and 2.6.30(4) of the Act, the Panel viewed the available evidence that led to the conviction of Renai Brochard (nee Lewis) obtained from Victoria Police and the Teachers' Registration Board of South Australia.

In addition the Panel noted that Renai Brochard (nee Lewis) was not qualified to be a teacher.

Council Assisting informed the Panel that the Institute had relied on the conviction of Renai Brochard (nee Lewis) as evidence of fraudulent behaviour, and that in accordance with the Act the conviction was the reason why the matter went to the Committee.

The Victoria Police - Summary of Charges and the Investigation Report from the Teachers' Registration Board of South Australia evidenced that Renai Gladys Lewis married Denis Brochard. He had previously been married to a registered South Australian teacher named Ginetta Rossi. The divorce between Denis Brochard and Ginetta Rossi was finalised in January 2003. Having used the married name Brochard, Ginetta Rossi reverted back to her maiden name in January 2003. Ginetta Rossi had been registered with the Teachers' Registration Board of South Australia since 1987.

On 24 October 2007 Ginetta Rossi attempted to progress the renewal of her South Australian teacher's registration. During her inquiries the South Australian Teachers' Registration Board informed her that her renewal information had been sent to an address in South Australia, as the files showed that she had requested a change of address when applying for a Duplicate Certificate of Registration on 1 November 2006.

Ginetta Rossi advised that she did not request a Duplicate Certificate of Registration and that she had not changed address. She did however recognise the address as that of the place where she had dropped her child off to her ex-husband for access visits from 2003 to 2005. It eventuated that the address was owned by a friend of Renai Brochard (nee Lewis) and that Renai Brochard (nee Lewis) frequented the house.

When informed about a Statutory Declaration in her name and told that the Application for the Duplicate Certificate of Registration was in relation to her apparent relocation to Victoria, Ginetta Rossi said she had not signed a Statutory Declaration and that she was not relocating.

The investigation progressed by the South Australian Teachers' Registration Board evidenced Ginetta Rossi declaring and proving that the signature on the Statutory Declaration was not her signature. In addition she noted that her Christian name had been spelt incorrectly on the documentation received by the Board. Further it was established that other documents accompanying the Statutory Declaration that were filled out in the name of Ginetta Rossi, had not actually been filled out by her.

The matter was referred to the South Australian Police. Ginetta Rossi provided a possible Victorian address for her ex-husband and his partner Renai Brochard (nee Lewis). She also stated that Renai Brochard (nee Lewis) had worked as a childcare worker in a South Australian School with the woman she believed owned the house at the address.

The Victorian Police - Summary of Charges shows that Renai Brochard (nee Lewis) took up a position at the School in Melbourne in December 2006. The position she filled was that of a qualified teacher commanding a salary of \$58,828.00. At the time of taking up the position Renai Brochard (nee Lewis) did not have the necessary qualifications to fulfil the role of teacher, nor did she have Victorian registration. She was however experienced in the required methods as she had worked as an assistant in a similar school in South Australia.

When applying and taking up the position Renai Brochard (nee Lewis) used her real name of G. Renai Brochard (ie Gladys Renai Brochard) although it appeared that she switched her first and second names. When asked to supply the necessary documentation to prove she was qualified to teach she was unable to do so in this name. She explained to the school and later the Victorian Institute of Teaching that her qualifications were with the Teachers' Registration Board of South Australia under her maiden name Ginetta Rossi.

In July 2007 Renai Brochard (nee Lewis) altered her own Birth Certificate by whiting out her names and replacing them with *Ginetta Renai Rossi*. She then presented copies of this material for certification. A CPA then certified the Birth Certificate as a true copy of the original.

In October 2007 Renai Brochard (nee Lewis) filled out an application for a Duplicate Certificate of Registration to the Teachers Registration Board of South Australia, indicating that she was Ginetta Rossi. She forwarded the altered Birth Certificate, filled out forms as Ginetta Rossi and signed as Ginetta Rossi, requesting that the Duplicate Certificate be sent to the address in South Australia.

This material was then forwarded to the Victorian Institute of Teaching and Renai Brochard (nee Lewis) used Ginetta Rossi's South Australian registration to obtain registration in Victoria, and continue in the job she commenced in December 2006 at the school.

On 10 December 2007 Victorian Police attended the Victorian home of Renai Brochard (nee Lewis) and executed a search warrant pursuant to Section 465 of the Victorian *Crimes Act*. Renai Brochard (nee Lewis) indicated that she had engaged in such behaviour to get the teacher's certificate from South Australia to fulfil the Victorian teaching requirements and that she and her husband Denis Brochard were struggling financially.

Evidence was provided to demonstrate that on 17 April 2008 at Moorabbin Magistrates' Court, Renai Brochard (nee Lewis) was convicted of the following offences:

- one count of obtaining financial advantage by deception
- one count of obtaining property by deception
- three counts of making a false document to prejudice others.

and that these offences resulted from her fraudulent registration in Victoria. Renai Brochard (nee Lewis) was sentenced to an imprisonment term of 3 months, wholly suspended for 12 months.

Witness - Barbara Carter

The Panel heard evidence under affirmation from the witness Barbara Carter, the Institute's Group Manager, Registration & Accreditation. Ms Carter stated that she had been in the role since 18 January 2006.

Ms Carter stated that the two staff members who had progressed the documentation received by the person purporting to be Ginetta Rossi, were no longer employed by the Institute. Ms Carter indicated that she was herself familiar with the procedures that had been followed by the two staff members, noting that these procedures had been altered some time ago to ensure that only one staff member managed an individual application. Further Ms Carter stated that she had reviewed the registration file of the person purporting to be Ginetta Rossi and was aware of the interaction between the Institute and the person purporting to be Ginetta Rossi, and what had taken place in Victoria.

The Witness stated that on 4 June 2007 a person purporting to be Ginetta Rossi (nee Brochard) born 11 September 1967 made an application to the Victorian Institute of Teaching seeking registration as a teacher under the Commonwealth *Mutual Recognition Act 1992*. The application was made on the basis that she was already a registered teacher in South Australia. The application form was signed by G R Brochard. Attached to the application form was a Certificate of Teacher Registration from South Australia in the name of Ginetta Rossi. A Statutory Declaration signed and dated 16 May 2007, indicated that her South Australian registration was under another name, because it was in her maiden name.

On 4 June 2007 the Witness stated that the Victorian Institute of Teaching received from the South Australian Teachers Registration Board a copy of a Mutual Recognition check in the name of Ginetta Rossi.

On 4 June 2007 the Institute wrote to the person purporting to be Ginetta Rossi at a Victorian address advising her that her registration was incomplete on two counts. The Institute required:

- (1) a certified copy of her birth certificate, extract of birth, passport entry indicating birth place, or citizenship certificate indicating her date of birth and
- (2) a certified copy of her evidence of any name change, for example a marriage certificate, decree nisi, or by deed poll.

The correspondence from the Institute included a fact sheet that fully outlined the requirements associated with certification of documents, including information about the various people who were authorised to certify the required material (ie a person authorised to witness Statutory Declarations under s107A of the *Evidence Act 1958*). On 25 June 2007 an Institute staff member spoke to the person purporting to be Ginetta Rossi and explained that she needed to provide a certified copy of either her passport and marriage certificate, or birth certificate and marriage certificate.

On 2 July 2007 the Institute received a copy of a Certificate of Live Birth and a copy of a Certificate of Marriage from the person purporting to be Ginetta Rossi. Both of these documents were certified by the Principal of the School in Melbourne where the person purporting to be Ginetta Rossi was teaching. The Principal of the non-government school was not authorised to certify the documentation, but acted to do so.

The copy of the Certificate of Live Birth also contained a CPA certification dated 3 July 2007. The document received by the Institute was a photocopy of an original certification and it was dated 3 July 2007, but the document was actually received by the Institute on the day before (ie, on 2 July 2007) which was the day before the date of certification.

The Institute identified the problems with the documentation and sought new documentation to fulfil the requirements for registration. On 18 July 2007 a staff member of the Institute spoke on the phone to the Principal of the School (ie the unauthorised person who had acted to certify the documents) presenting the circumstances of the person purporting to be Ginetta Rossi. The Institute staff member explained that both documents needed to be properly certified and resubmitted, in order to process the application for registration.

On 24 July 2007 the Institute received a letter, dated 18 July 2007, from the Principal of the School. Enclosed were copies of the Certificate of Live Birth and a Marriage Certificate certified by an authorised person on 20 July 2007.

On 24 July 2007 the Institute confirmed with the person purporting to be Ginetta Rossi that certified copies of her documents had been received and her application for registration would be processed. Later that day Ginetta Rossi was informed that her Application for Mutual Recognition had been finalised and that she would receive her Victorian registration card shortly.

On 30 July 2007 the Institute was advised by the Principal of the School that the teacher had received her Victorian card in the name of Ginetta Rossi and that it should be in the name of Ginetta Renai Brochard or Renai Brochard.

On 30 July a staff member of the Institute spoke with the person purporting to be Ginetta Rossi, and she confirmed with the staff member that she wanted her card, and wanted to be known as Ginetta Rossi, not her married name of Brochard.

The Witness informed the Panel that the Institute was contacted by the Teachers' Registration Board of South Australia on 24 October 2007, and told that the person known to the Victorian Institute of Teaching as Ginetta Rossi was probably not Ginetta Rossi. The Teachers' Registration Board of South Australia indicated that the person the Institute had been dealing with had possibly obtained her registration by fraud or misrepresentation.

The Witness acknowledged that the date of birth recorded on the marriage certificate of Ginetta Rossi was 11 September 1967, and that it was different to the 11 November

1967 date recorded on the birth certificate. The Witness indicated that this discrepancy was not identified at the point in time when the documents were being processed by the staff member. The Witness stated that procedures had been reviewed and tightened up within the Branch, since this occurrence.

The Witness indicated that the teacher regulatory authorities across Australian states and territories, as well as New Zealand worked together to protect the public interest by ensuring only persons who were appropriately qualified, and fit in terms of character, were registered as teachers. The Witness stated that the regulatory authorities met regularly and that the series of events that had transpired across South Australia and Victoria would be fully reviewed with the aim of better understanding identity theft and fraudulent activity.

DISCUSSION OF THE EVIDENCE

Acutely aware that it was Renai Brochard (nee Lewis) who was at fault given her illegal and unethical behaviour, the Panel did note from the available evidence that thorough scrutiny and cross referencing of all of the paperwork received by the Institute, would have shown that two different birthdates appeared throughout the paperwork. In addition from the available evidence thorough scrutiny and cross referencing would have shown that the handwriting and signature on the legitimate marriage certificate of Ginetta Rossi utilised by Renai Brochard (nee Lewis) was markedly different to the handwriting and signatures produced on other paperwork that had been prepared and submitted in 2007 by Renai Brochard (nee Lewis) when purporting to be Ginetta Rossi.

The Panel acknowledged that checking processes had been tightened and awareness heightened within the Institute over recent times, and further that processes had been altered to ensure that only one officer managed a case from beginning to end.

The Panel commends that at the time thorough scrutiny of the documentation submitted by Renai Brochard (nee Lewis) did result in the Institute identifying the fact that an inappropriate person, namely the Principal of the non-government school, acted to certify documentation without being authorised to do so. Further thorough scrutiny of the documentation by the Institute did bring to light that the date said to be the certifying date as it appeared on the birth certificate, was actually a date post the Institute's receipt of the documentation. Accordingly the Institute sought new documentation that was appropriately certified by someone who was authorised to do so.

It is noted that the Institute forwarded information about persons authorised to certify documentation at the beginning of the process. The first copy of the birth certificate forwarded to the Institute by Renai Brochard (nee Lewis) had the Principal (non-authorised person) acting to certify a photocopy of the Birth Certificate, stating in her handwriting that she had cited the original birth certificate. If this was the case the Principal would have cited the Birth Certificate that had the names *Gladys* whited out and replaced by *Ginetta*, and *Lewis* whited out and replaced by *Rossi*. The photocopy the Principal acted to certify, also comprised a previously photocopied statement by a

CPA that stated “I XXX certify that this is a copy of the original certificate cited.” The School address via a stamp accompanied the Principal’s handwriting.

When it was requested that this documentation be resubmitted because the Principal was not authorised to certify the birth certificate and the marriage certificate, the same material was submitted having again been certified by the same CPA - this time directly in her hand writing onto the document. Dated 20 July 2007 the CPA wrote “I XXX certify that this a true copy of the original sited.” on the birth certificate. On this occasion no address accompanied the handwritten statement, but a registration number was provided next to CPA. It was the second document, certified by the CPA in her direct handwriting that was accepted by the Institute.

The Panel considered it most unfortunate that given certification is an important process that requires authorised people to examine the original documentation to ensure that it is an exact copy, whilst being careful to check that any names and dates have not been changed, that a fraudulent document was certified, given that Renai Brochard (nee Lewis) had whited out and replace her own names *Gladys* and *Lewis* with *Ginetta* and *Rossi*.

The Panel scrutinised all of the available documents carefully. For the record the Panel noted that the birth certificate Renai Brochard (nee Lewis) altered to portray different names, stated the birth date of XXXX. This was the birth date used for the criminal proceedings involving Renai Brochard (nee Lewis). The birth certificate also housed several other dates however, which do not appear to match or coincide with this birth date. For example the date that the Informant certified that the information about the birth on the birth certificate was accurate was YYYY (some months before the said birth of the child on XXXX). Further the date stamped on the birth certificate to indicate that the birth information was received and certified by the local registrar was ZZZZ (again some months prior to the alleged birth date of the baby on XXXX, but appropriately distanced re the YYYY date). It is this level of proactive scrutiny and questioning that the Panel would expect of those tasked with protecting the public interest when engaging in work that progresses registration.

FINDINGS UNDER SECTION 2.6.46(1) OF THE ACT

The Panel determined that Renai Brochard (nee Lewis) should not be registered in Victoria by the Institute as she is not qualified to be a teacher.

The Panel, based on the balance of probabilities and the available evidence, determined that all three allegations and their related particulars before the Panel were substantiated. Renai Brochard (nee Lewis) registered herself in the name of Ginetta Rossi and the registration was obtained by fraud and misrepresentation.

1. It is substantiated that on 4 June 2007 the Institute received an Application for Registration from a person purporting to be Ms Ginetta Rossi (nee Brochard) made under the *Mutual Recognition Act* on the basis that she was currently registered as

a teacher in South Australia. The Application was made and declared under the name of Ginetta Rossi but signed under the name Brochard.

2. It is substantiated that in support of the Application for Registration the person purporting to be Ms Ginetta Rossi (nee Brochard) supplied to the Institute
 - a. A certified copy Certificate of Registration in the name of Ginetta Rossi
 - b. A certified copy Certificate of Live Birth in the name of Ginetta Renai Rossi
 - c. A certified copy Certificate of Marriage for Ginetta Rossi

3. It is substantiated that on 17 April 2008 at Moorabbin Magistrates' Court, Ms Renai Brochard (nee Lewis) was convicted of the following offences resulting from her fraudulent registration:
 - i one count of obtaining financial advantage by deception
 - ii one count of obtaining property by deception
 - iii three counts of making a false document to prejudice others.

Ms Renai Brochard (nee Lewis) was sentenced to an imprisonment term of 3 months, wholly suspended for 12 months.

RECOMMENDATION

Fraudulent behaviour and identity theft are areas of great concern that have a deleterious impact on registered professions, and those professionals who are a credit to them. The Panel having cancelled the registration of Renai Brochard (nee Lewis) decided it also appropriate given the range of circumstances that underpinned this matter, to formalise two recommendations. The generic aim of the recommendations is to protect the public interest by aiding the reduction of fraudulent behaviour and identity theft through education and heightened awareness.

Thorough appropriate certification of documents is a key component when it comes to measures that help combat and in turn prevent the type of illegal and unethical behaviour that Renai Brochard (nee Lewis) engaged in. Further, respecting the right that has been granted, and adhering to the responsibilities associated with certifying documentation, are essential requirements of those persons authorised and trusted to certify documentation, if the document certification regime under the Evidence Act is to be viable. Hence the first recommendation is that the Victorian Institute of Teaching interact with CPA Australia (Victoria), alerting them to the specifics of this case. This recommendation is made as the Panel has a prima facie concern that given the available evidence what has transpired may amount to a registered professional not adhering to the rules established to ensure full and appropriate discharge of their duties under the *Evidence Act*.

The second recommendation seeks to increase, to the fullest extent possible, the skill base of those within the Victorian Institute of Teaching who engage in registration work. The Panel felt strongly that through formal training every effort should be made to ensure that administrative tasks and processes evolve to the point where they became forensic in their nature and application, and that this should be the goal of each

individual tasked with ensuring protection of the public interest through their work. The Panel is of the view that formal training should be progressed in a manner that increases individual knowledge in relation to current fraudulent behaviour and identity theft, as well as training that seeks to develop an acute forensic skill set for each individual.



SUSAN HALLIDAY, CHAIRPERSON



**per:
KEVIN POPE, REGISTERED TEACHER**



**per:
RHONDA CUMBERLAND, PANEL MEMBER**