

NOTICE OF FILING

Details of Filing

Document Lodged:	Response - New Orders Sought
Court of Filing	FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (FCFCOA)
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File Number:	SYG256/2024
File Title:	FRANCIS LIAM CARNEY v EXCELSIA COLLEGE ACN 110 639 435
Registry:	SYDNEY REGISTRY- FEDERAL CIRCUIT AND FAMILY COURT - FEDERAL LAW



Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



FRANCIS LIAM CARNEY
Applicant

EXCELSIA COLLEGE LIMITED ACN 110 639 435
Respondent

RESPONSE - GENERAL FEDERAL LAW

Respondent's address for service

The respondent's address for service is set out in the footer below.

Response to applicant's claims for final orders

The respondent opposes to the making of the following orders sought in the application:

1. The respondent pay the applicant \$78,612.00.
2. The respondent pay to the applicant interest.
3. The respondent pay to the applicant the applicant's costs of and incidental to these proceedings.

The respondent consents to the making of the following orders:

NIL.

Further orders sought by the respondent

1. The Application be dismissed.
2. In the alternative, the respondent reimburse the applicant's course fees of \$4,875.00.
3. The applicant pay the respondent's costs.

Grounds for opposition or further orders

1. The Application is misconceived.

Filed on behalf of: The Respondent

Prepared by Alex Kohn

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2. The respondent did not mislead or deceive the applicant in relation to the completion of his enrolled course, namely Master of Teaching (Primary).
3. The applicant abandoned his Professional Experience/Practicum part of the way through, withdrew from the unit of study and did not return to complete it.
4. As a consequence of the applicant's failure to complete his Practicum, he was not able to obtain teacher accreditation from the NSW Education Standards Authority to teach in primary schools in New South Wales.
5. There has been no impediment to the applicant returning to the respondent's College at any time following his abandonment of the Practicum on 7 April 2022, or another similar education authority, to complete the course and obtain teacher accreditation.
6. Accordingly, the applicant's own actions have resulted in his failure to complete the Practicum and obtain teacher accreditation.

Signature of respondent or lawyer



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Date: 22 / 03 / 2024

Signed by (print name): Alexander Kohn, lawyer for the respondent

☐ the respondent

☒ lawyer for the respondent

Form approved by the Chief Judge for general federal law proceedings pursuant to subrule 2.04(1) for the purpose of subrules 4.03(1).
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