



Email: [REDACTED]

Decision to issue Administrative Action RE: NOT-00118331

- ## Facts

- GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.act.gov.au

8. NOT-00118331 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
- Created and implemented Transition of learning environment procedure (children moving from inside to outside/outside to inside)
 - Staff read and signed new Transition procedure
 - Staff revise and sign “supervision” policy
 - Staff revise and sign ‘interaction with families and staff’ policy
 - Discussions with educators and revise OWNA signing in and out.
 - Centre Manager [REDACTED] & Quality and Compliance Manager [REDACTED] supporting the team in implementing the new procedure and communication strategies
 - Educators with do a critical reflection on the new procedure and communication 2 weeks after.

Law

9. The Notification engaged the following provisions of the *Law*:

Section 165(1) of the Law - Offence to inadequately supervise children

The approved provider of an education and care service must ensure that all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service.

Penalty: \$11 400, in the case of an individual
\$57 400, in any other case.

Section 174(2) of the Law - Offence to fail to notify certain information to Regulatory Authority

An approved provider must notify the Regulatory Authority of the following information in relation to the approved provider, or each approved education and care service operated by the approved provider -

- (a) any serious incident at the approved education and care service;
- (b) any complaints alleging—
 - (i) that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or
 - (ii) that this Law has been contravened;
- (c) information in respect of any other prescribed matters.

Penalty: \$4 500, in the case of an individual
\$22 900, in any other case.

Decision

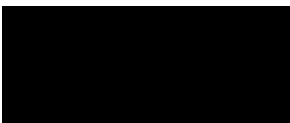
10. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 165(1) and 174(2) of the *Law* in this instance.

11. In relation to section 165 and 174 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately supervised at all times while in the care of the Service on 4 February 2025, nor was it reported in the required timeframe.
12. Please note in the future that you have an obligation under the *Law* to report relevant incidents to the Regulatory Authority. It is an offence to fail to notify certain information to Regulatory Authority.
13. The *Law* outlines a range of statutory actions which may be taken by the Authority in response to non-compliance. The Authority has the flexibility to choose the most appropriate action to support you to achieve compliance and improve outcomes for children.
14. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the advised of steps taken by the Provider to mitigate risk of a similar occurrence, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.
15. This decision serves to remind the Provider of their obligations and responsibilities under the *Law*, and to ensure that staffing and supervisory processes and educator practice is monitored regularly to ensure ongoing compliance with the *Law* and encourage continual improvements for outcomes for children.
16. This Decision will be recorded on the Service's file and may be considered in any future applications for approvals, amendments, or waivers. It may also be considered in determining the action to be taken, should further breaches of the *Law* or associated Regulations be found.

Legislation

17. The *Law* applies to you as a provider and any service you operate. The *Law* is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011* <http://www.legislation.act.gov.au/a/2011-42/default.asp> . The *Law* and *Regulations* can be viewed at: <http://www.acecqa.gov.au/national-law> , and <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>.
18. Should you have any questions about this Decision please contact me at vittorio.colosimo@act.gov.au.

Yours Sincerely,



Vittorio Colosimo

A/g Assistant Director Investigations
Education and Care Regulation and Support

Education Directorate

5 March 2025