

EMERGENCY ACTION NOTICE

Section 179, Education and Care Services National Law (ACT) Act 2011

Name of approved provider BMA Belconnen Pty Ltd ATF BMA Belconnen Unit Trust

Provider approval number PR-40013290

Name of approved service Bright Minds Academy Belconnen

Service approval number SE-40012576

Under the *Education and Care Services National Law (ACT) Act 2011* (the *Law*) an Emergency Action Notice may be issued if the Regulatory Authority is satisfied that an education and care service is operating in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.

I am satisfied that on 3 February 2022, Bright Minds Academy Belconnen, located at 5-9 Oatley Court Belconnen ACT 2617, was not operating in accordance with the provisions of the *Law* or *Education and Care Services National Regulations 2011* (the *Regulation*) set out below. The non-compliance identified was in particular regarding hazards across the premises from water damaged ceilings. The presence of multiple large spider webs on window frames and children climbing equipment were also a hazard.

The non-compliances identified that pose, or is likely to pose, an immediate risk to the safety, health or wellbeing of children being educated and cared for by the service and the related provisions of the *Law* and/or *Regulations* are set out below.

Provision	Non-compliance
<p>167 Offence relating to protection of children from harm and hazards</p> <p>(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury. Penalty: \$10 000, in the case of an individual. \$50 000, in any other case</p>	<p>Several ceiling panels have been damaged by water ingress across the service. Some panels showed significant water damaged, bowing, coming out of their railing and at risk of falling. One panel has already fallen in an area where children were present a short time before the panel fell. The fall of the panel has left a void in the ceiling where electrical wiring is present.</p> <p>The premises also showed a significant number of large spider webs in different locations with the possibility of live spiders being present in the webs.</p>

The approved provider is required to take the following action to assist the regulatory authority determining that all children are protected from harm and any hazard that is likely to cause injury.

Action Required

The approved provider must ensure that:

- The risk of the severely damaged ceiling panels falling is eliminated;
- A time frame for the ceiling to be assessed and fixed by professional is provided to the Regulatory Authority;
- Evidence that spider webs have been removed
- The attendance of pest control at the service to eliminate and prevent spiders and other pests has been scheduled by the provider with a pest control professional.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Delphine Coutin, Assistant Director Audit and Risk Management at delphine.coutin@act.gov.au

These actions must be undertaken, and evidence provided, by the close of business Tuesday 8 February 2022.

Failure to comply

If you do not take the required actions, or do not take those steps within the required timeframe, further compliance actions may be imposed, including suspension of your service approval.



Delphine Coutin
Assistant Director, Audit and Risk Management
Children's Education and Care Assurance, ACT Education Directorate
Hedley Beare Centre for Teaching and Learning, Fremantle Drive, Stirling ACT 2611

4 February 2022