

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

**Genius Childcare Gowrie – Employment Conditions
Assembly Resolution 4 December 2024
Government Response**

**Presented by
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Minister for Education and Early Childhood
4 February 2025**

On 4 December 2024, the ACT Legislative Assembly passed a resolution on Genius Childcare (the Resolution). The Resolution calls on the Government to provide support to the affected members of the community, and to work with the Commonwealth and other jurisdictions to improve regulatory responses in this area.

The Minister for Education and Early Childhood and the Education Directorate have taken measures to respond to the Genius Childcare issues.

Action (a): Support the staff and families of Genius Childcare Gowrie, and other Genius Childcare centres that may be facing similar situations.

Response to (a):

The Minister for Education and Early Childhood has written to staff who have contacted her to advise them that concerns and complaints relating to pay and conditions can be investigated by the Fair Work Ombudsman, as the relevant regulator, and concerns and complaints relating to unpaid superannuation can be investigated by the Australian Taxation Office.

The Education Directorate set up a telephone hotline to provide a single front door for community members (whether they be parents, staff or otherwise) to ask questions about what is going on with the services and what it might mean for their situation.

The Directorate has provided community members with contact information for the relevant authorities such as the Fair Work Ombudsman and the Australian Tax Office.

Action (b): Promote the hotline to assist families and educators.

Response to (b):

The Directorate has promoted the availability of the hotline on its website and social media channels.

Action (c): Work with other regulators to ensure Genius Childcare is complying with its obligations to the community

Response to (c):

The Minister for Education and Early Childhood has written to ministerial colleagues with responsibility for early childhood education across Australia to request the co-operation of their respective regulatory authorities with the ACT regulatory authority, Children's Education and Care Assurance (CECA) for national coordination to investigate the conduct of the Approved Provider, Abacus 49 Pty Ltd and person(s) with management or control (PMCs) under the National Law.

The Minister for Education and Early Childhood has written to Commonwealth Ministers with responsibility for early childhood education to:

- a) ask the Commonwealth Department of Education to investigate the concerns raised about the fitness and propriety of Abacus and the PMC as providers of early childhood education and care services under Family Assistance Law;
- b) ask the Fair Work Ombudsman and the Australian Taxation Office to investigate the concerns raised about delays and failure to make wage and superannuation payments as a matter of urgency; and
- c) Ask the Australian Securities and Investments Commission to investigate concerns about Abacus and the PMC as they relate to the *Corporations Act 2001*.

The ACT regulatory authority, Children's Education and Care Assurance (CECA) has taken a number of actions working with other regulators to raise awareness of the issues and help ensure Genius is complying with its obligations. This has included raising the issues at the national Regulatory Practice Group and supporting actions to drive greater national coordination of regulatory responses.

Action (d): Work with State, Territory and Commonwealth Governments on improvements to the regulatory framework to prevent similar situations arising in the future here or across Australia.

Response to (d):

The Minister for Education and Early Childhood has written to ministerial colleagues with responsibility for early childhood education across Australia to request that options for policy responses to these challenges, including the consideration of amendments to improve the National Law regulatory framework, are put on the national agenda for Education Ministers, with advice to be commissioned from senior officials.