

[REDACTED]
Executive Education Leader
Person with Management or Control
Education Directorate
RE: North Ainslie Primary School - Hackett Preschool Unit

Email: [REDACTED]@act.gov.au

Cc: [REDACTED]

Dear [REDACTED]

EMERGENCY ACTION NOTICE
Section 179, *Education and Care Services National Law (ACT)*

Name of approved provider ACT Education DirectoratePR-00006465 (the Provider)

Name of approved service North Ainslie Primary School - Hackett Preschool Unit SE-00011196
(the Service)

Under the *Education and Care Services National Law (ACT)* (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 10 June 2025, the Service was impacted by unforeseen circumstances (airborne mould testing in bathrooms) and could not operate in accordance with the provisions of the *Law* or *Education and Care Services National Regulations 2011 (the Regulation)* as set out below.

The School Principal was notified on 10 June 2025, by Keane Environmental of the airborne mould. The ACT Education Directorate Work Health and Safety Team have notified WorkSafe.

Considering the immediate risk to the safety, health and wellbeing of a children attending North Ainslie Primary School – Hackett Preschool Unit. The Regulatory Authority is implementing its powers under Section 179 of the *Education and Care Services National Law* to take immediate steps specified in this notice to remove or reduce the risk within the time (not more than 14 days) specified in the notice.

Further to the report the following was advised:

1. Airborne mould has been discovered during mould testing in the bathrooms at Hackett preschool.
2. Early indications are remediation works may take two weeks.
3. Due to immediate safety, the school is requesting early collection of preschool students from the site on 10 June 2025.

4. Communications will be provided to families about plans for the coming days later today
5. The preschool student bathroom is inaccessible due to safety and the immediate remediation that needs to occur

I am satisfied that the observed non-compliances under the Work Health and Safety Regulation 2011 placed children or was likely to place children to an immediate risk to the safety, health or wellbeing of children being educated and cared for by the Service. Furthermore, the non-compliances identified is also a contravention of the National Law as set out below.

Law Provision	Non-compliance
<p>Section 167(1) – Offence relating to protection of children from harm and hazards</p> <p>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.</p>	<p>Persons are exposed to a risk to their health and safety from airborne mould within the preschool room.</p>

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

Action Required

The approved provider must:

- a. The Hackett Preschool Unit must cease operation until the Regulatory Authority are satisfied the appropriate controls are in place ensure the risk presented by the Airborne mould does not pose a risk to health and safety.
- b. Provide updates of works completed to eradicate risks.
- c. The Provider to review and, as necessary, revise control measures implemented under this regulation to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety and provide reviewed documents, strategies and actions to the Regulatory Authority prior to re-opening the preschool Unit within 24 hours of implementation.

The Regulatory Authority is satisfied that preschool age children enrolled at the service are not able to be accommodated for education and care during operational hours for the duration of this notice.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Nicola Atherton, Assistant Director at nicola.atherton@act.gov.au

Evidence for actions must be provided prior to preschool room reopening and result of testing undertaken.

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.



Jo Williams
Director of Regulatory Operations
Education and Care Regulation and Support
Children's Education and Care Assurance

10 June 2025