

██████████
Person with Management or Control
Camp Australia Pty Ltd
RE: Camp Australia - St Bede's Primary School OSHC

Email: ██████████@campaustralia.com.au

Dear ██████████,

Decision to issue Administrative Action

1. As you may be aware, Authorised Officers of the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed a Notification of Incident (NOT-00045493) relating to Camp Australia - St Bede's Primary School OSHC SE-40029492 (the Service) operated by Camp Australia Pty Ltd PR-00002539 (the Provider).
2. The notification of incident advised that on 13 June 2024, the Service operated outside of statutory ratios for the after-school care programme, whereby there was a ratio of 2 educators to 30 children between 3.10pm and 4.39pm.
3. The Authority is satisfied that the Provider did not comply with the provisions of the *Education and Care Services National Law Act (ACT)* (the Law) in this instance. Web addresses to the Law and the associated *Regulations* are provided for your convenience at the end of this Decision.

Facts

4. On 14 June 2024, a notification of incident (NOT-00045493) was submitted to the Authority by the Provider advising that on 13 June 2024, the Service operated outside of ratio in the after school care programme. The Provider stated that the Service operated with 2 educators to 30 children between 3.10pm and 4.39pm due to redirected staff cancelling a shift. Refer copy of the NOT-00045493 at Attachment A.
5. Additional information submitted with NOT-00045493 included the following:
 - I01 - Incident Notification.

Refer Attachment B.

6. On 18 June 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
 - Non-Compliance response;
 - Staff roster; and
 - A Contingency Plan for Excess of Children above Current Staff Ratio.

Refer Attachment C.

Law

7. 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.

Decision

8. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to support an offence under section 165 of the *Law* in this instance.
9. In relation to section 165 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 13 June 2024 as there Service was over ration by 8 children between 3.10pm and 4.39pm.
10. The Authority is satisfied that the very nature of the matter notified, and additional information submitted by the Provider supports, on balance of probabilities, the offence being substantiated.
11. 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.
12. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.
13. However, the Authority notes that the *Contingency Plan for Excess of Children above Current Staff Ratio* needs to be reviewed to ensure adequate action can be taken when similar situations arise. As such, the Authority requests a written response from the Provider within 14 days of the date of this letter, supplying evidence that the above *Contingency Plan* has been reviewed, updated and communicated to staff.
14. This decision services 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.

15. 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

16. 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>.
17. The response to this letter can be directed to me at nicole.withers@act.gov.au.
18. If you have any questions about the contents of this letter, please contact the writer.

Yours Sincerely,



Nicole Withers
Team Leader Investigations
Regulation and Compliance
Education Directorate

07 August 2024