

Mr [REDACTED]  
 Person with Management or Control  
 Young Men's Christian Association of Canberra Inc  
 RE: YMCA North Ainslie School Age Care

Dear Mr [REDACTED]

**COMPLIANCE NOTICE**  
**Section 177, Education and Care Services National Law (ACT)**

**Approved provider name:** Young Men's Christian Association of Canberra Inc  
**Approved provider number:** PR-000005888

**Approved service name:** YMCA North Ainslie School Age Care  
**Approved service number:** SE-00009723

I am satisfied that Service, operated by the Provider, is not complying with the provisions of the *Education and Care Services National Law (ACT)* and the *Education and Care Services National Regulations* as outlined hereunder.

In making the decision to issue this compliance notice, I have taken into account the number of contraventions, the nature of the risk posed to children by the non-compliance, and the compliance history of the Service.

You are required to provide written evidence of your compliance **within the time specified in the table below.**

Provision of the National Law and National Regulations	Description	Steps to be taken by the Approved Provider
<b>National Law Section 161</b> Offence to operate education and care service without nominated supervisor	The approved provider of an education and care service must not operate the service unless there is at least one nominated supervisor for that service.	The Provider must produce evidence to the Regulatory Authority demonstrating clear policy and procedure communicating: <ol style="list-style-type: none"> <li>1. the differences between the roles of a <i>person in day-to-day charge</i> and a <i>nominated supervisor</i>;</li> <li>2. what actions need to be undertaken by the Provider prior to a staff member engaging in a role as nominated supervisor;</li> </ol>

		3. what actions need to be undertaken by the Provider prior to a staff member engaging in a role as person in day-to-day charge (eg requirements).
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**The steps directed to be taken must be addressed within 14 days of the date of this Notice.**

Please direct your response submission via email to [tanya.masterman@act.gov.au](mailto:tanya.masterman@act.gov.au) or by post to Children’s Education and Care Assurance, Attention Tanya Masterman, GPO Box 158, Canberra ACT 2601

Failure to comply

It is an offence for an approved provider to fail to comply with this compliance notice within the period specified. If you do not take the required actions, or do not take those steps within the required timeframe, I may consider imposing further sanctions, including suspension of your service approval or prosecution. The penalty that a court may impose is \$6000 for an individual and \$30,000 for an entity.

Review of decision

A decision to issue a compliance notice is a reviewable decision for internal review by the Regulatory Authority. An application for review may be made by completing the form AR01 Application for Internal Review of Reviewable Decision which can be obtained from the ACECQA website. An application for review must be submitted to the Regulatory Authority within 14 days after the day on which you are notified of this decision.

Service’s record of compliance

Details of this compliance notice must be recorded in the service’s record of compliance including: the reason the compliance notice was issued; the steps specified in the notice; and the date by which the steps specified must be taken. The information must not identify any person other than the approved provider.

The information does not need to be recorded until after the period for applying for internal review has expired.

Publication

Under section 270(5) of the National Law, the Regulatory Authority may publish information about this compliance notice. If no review is requested within 14 days, details of this compliance notice may be published on [www.education.act.gov.au](http://www.education.act.gov.au).

If you have any questions about this notice, please contact Tanya Masterman at [tanya.masterman@act.gov.au](mailto:tanya.masterman@act.gov.au).

Yours Sincerely



Clare Brookes  
Senior Director  
Early Childhood Policy and Regulation  
ACT Education Directorate

3 February 2021