

Enforceable Undertaking by the Person [REDACTED]

I, [REDACTED] give the following undertaking to the ACT Regulatory Authority as an alternative to prohibition under section 184 of the *Education and Care Services National Law (ACT) (National Law)* for contravention of section 166(3) of the *National Law* on 22 July 2020 at Wonderschool Throsby:

1. Until this Enforceable Undertaking is withdrawn by the Regulatory Authority, I will not accept employment or engagement as a Family Day Care Educator.
2. Until this Enforceable Undertaking is withdrawn by the Regulatory Authority, I will not work directly with children in a centre-based service unsupervised.
3. Within 24 hours of being advised of acceptance of this Enforceable Undertaking by the Regulatory Authority, I will advise the Regulatory Authority of my place of work;
4. I will give the Regulatory Authority fourteen (14) days' notice of any proposed change in my place of work;
5. I will not accept any employment or volunteer in an education and care service without the prior consent of the Regulatory Authority, which must be satisfied that the requirements of this Enforceable Undertaking will be met when engaged in that proposed employment or volunteer placement;
6. Whilst working in the early education and care sector I consent to the Regulatory Authority disclosing to my employer (and future employers as applicable) a copy of this Enforceable Undertaking;
7. I must have a formally appointed mentor at any education and care service at which I am employed or undertaking a volunteer placement;
8. I will actively work towards completion of my Certificate III in Early Education and Care;
9. I will update the Regulatory Authority on my progress in completing my Certificate III in Early Education and Care every three months by email to ceca@act.gov.au.
10. Within three months of this Enforceable Undertaking being accepted by the Regulatory Authority, I will undertake training ("additional training") in the following areas, such additional training to be approved by the Regulatory Authority prior to undertaking it:
 - a. Guiding children's behaviour; and
 - b. Respectful interactions with children.
11. I will provide evidence of completion of the additional training to the Regulatory Authority within six months of this Enforceable Undertaking being accepted by the Regulatory Authority.
12. The requirements of this Enforceable Undertaking will be reviewed by the Regulatory Authority upon the expiration of twelve (12) months from the date of acceptance of this Enforceable Undertaking.

I am aware of the consequences of failing to comply with this enforceable undertaking, namely:

- *If the Regulatory Authority considers that I have failed to comply with this undertaking it may apply to the Magistrates Court to enforce the undertaking, pursuant to section 181 of the National Law.*
 - *If the Court is satisfied that I have failed to comply with a term of this undertaking the Court may make any of the following orders:*
 - *An order directing me to comply with that term of the undertaking;*
 - *An order that I take any specified action for the purpose of complying with the undertaking;*
 - *Any other order that the Court considers appropriate in the circumstances.*

- o *If the Court determines that I have failed to comply with a term of the undertaking, proceedings may be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking was given.*
- *Pursuant to section 179A(6) of the National Law, the Regulatory Authority may withdraw its acceptance of this enforceable undertaking at any time and the enforceable undertaking will cease to be in force on that withdrawal. If I do not comply with this enforceable undertaking, and the Regulatory Authority considers that there may be an unacceptable risk of harm to a child or children if I am allowed to provide education and care, the Regulatory Authority may withdraw acceptance of this enforceable undertaking and issue a prohibition notice to me.*

In accordance with Section 179A and 184(3) of the *National Law*, Yuren (Vincent) Cao gives the written undertaking to take the actions listed to comply with the *National Law*.

Name: _____

Position: _____

Date: 21/09/2020

Signed: _____

Acceptance of Undertaking by the Regulatory Authority

In accordance with Sections 179A and 184(3) of the *National Law*, the Regulatory Authority accepts the written undertaking that Yuren (Vincent) Cao will take and refrain from the actions listed in this undertaking as an alternative to prohibition:

Name: CLARE BROOKES

Position: SENIOR DIRECTOR, CHILDREN'S EDUCATION AND CARE

Date: 22 09 2020

Signed: _____

Important information:
Effect of this undertaking

- *While this undertaking is in force, proceedings may not be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking was given.*
- *If you comply with the requirements of this undertaking, no further proceedings may be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking was given.*
- *You may with the written consent of the Regulatory Authority withdraw or amend this undertaking.*
- *The Regulatory Authority may withdraw its acceptance of this undertaking at any time and the undertaking ceases to be in force on that withdrawal.*
- *The Regulatory Authority may publish on its website an undertaking accepted under this section.*