

██████████  
Person with Management or Control  
Wonderschool (Conder) Pty Ltd  
RE: Wonderschool Conder

Email: ██████████@wonderschool.com.au

Dear Ms ██████████

**Decision to issue Administrative Action RE: NOT-00084784**

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-00084784) relating to Wonderschool Conder SE-40018302 (the Service) operated by Wonderschool (Conder) Pty Ltd PR-40022037 (the Provider).
2. The notification of incident advised that on 22 October 2024, two children were found in the outdoor yard, unsupervised, for approximately 6 minutes.
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 23 October 2024, a notification of incident (NOT-00084784) was submitted to the Authority by the Provider advising that on 22 October 2024, two children, ██████████ (2yr old) and ██████████ (2yr old) were found alone, playing in the outside yard, whilst all other children and educators were in the indoor environment. This was due to an educator closing and locking the adjoining door without checking to see if any children were outside.
5. Additional information submitted with NOT-00084784 included the following:
  - Incident reports x 2
6. Please note, documents referred to in paragraphs 4 and 5 are not included. These documents can be provided upon request.
7. NOT-00084784 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
  - Keeping the door locked.
  - Ensuring all children supervised appropriately during drop off periods.

**Law**

8. 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**

9. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 165 of the *Law* in this instance.
10. 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 22 October 2024.
11. **This letter requires a response to the following:**
- (a) Provide evidence of the risk mitigation strategies in place that should prevent a similar incident occurring. The Authority notes that steps have been taken and they've been advised to us, but we need to see results of these actions.
- Please ensure a response is submitted by close of business 3 December 2024.
12. 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.
13. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the advised of steps taken by the Provider to mitigate risk of a similar occurrence, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.
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. Should you have any questions about this Decision please contact me at [vittorio.colosimo@act.gov.au](mailto:vittorio.colosimo@act.gov.au).

Yours Sincerely,



**Vittorio Colosimo**  
A/g Assistant Director Investigations  
Education and Care Regulation and Support  
Education Directorate

18 November 2024