

Ms [REDACTED]
Person with Management or Control
Majura Park Childcare Centre Pty Ltd
RE: Urambi Early Learning Centre

Email: [REDACTED]

Dear Ms [REDACTED]

Decision to issue Administrative Action Re: Failure to Notify

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 direct complaint relating to at Urambi Early Learning Centre SE-40007473 (the Service) operated by Majura Park Childcare Centre Pty Ltd PR-00005847 (the Provider).
2. The notification of incident advised that on 9 and 10 May 2024, [REDACTED] (3 yrs) was injured in child-on-child interactions, two days in a row, which was not reported to the Authority as per the legislative provisions of the *Education and Care Services National Law Act (ACT)* (the Law).
3. The Authority is satisfied that the Provider did not comply with the provisions of the Law (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 6 June 2024, a direct complaint was submitted to the Authority by advising that on 9 and 10 May 2024, [REDACTED] came home with a bruise on his eye which had occurred on separate occasions on two separate days, allegedly caused by a peer. Neither incident was reported to the Authority by the Service. Refer Attachment A.

Law

5. The Notification engaged the following provisions of the Law:

Section 174(1) of the Law - Offence to fail to notify certain information to Regulatory Authority

An approved provider must notify the Regulatory Authority of the following information in relation to the approved provider or each approved education and care service operated by the approved provider -

- (a) any change relevant to whether the approved provider is a fit and proper person to be involved in the provision of an education and care service;
- (b) information in respect of any other prescribed matters.

Penalty: \$4 500, in the case of an individual
\$22 900, in any other case.

Decision

- 6. The Authority has considered all the information supplied by [REDACTED] Parent and is satisfied that there is sufficient evidence to support an offence under section 174 of the *Law* in this instance.
- 7. In relation to section 174 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all relevant information was notified to the Authority on 9 and 10 May 2024.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. To assist in reviewing these obligations, the Authority have attached the ACECQA factsheet on Reporting. [Refer to Attachment B.](#)
- 12. 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.

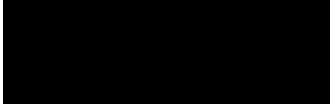
Legislation

- 13. 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>.

14. Should you have any questions about this Decision please contact me at nicole.withers@act.gov.au.

Yours Sincerely,



Nicole Withers
Team Leader Investigations
Regulation and Compliance
Education Directorate

2 August 2024