



██████████
Person with Management or Control
Guardian Corporate Early Learning Centres Pty Ltd
RE: Guardian Childcare & Education Forrest

Email: ██████████

Dear Mr ██████████

Decision to issue Administrative Action RE: NOT-00120058

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-00120058) relating to Guardian Childcare & Education Forrest SE-40005756 (the Service) operated by Guardian Corporate Early Learning Centres Pty Ltd PR-00004736 (the Provider).
2. The notification of incident advised that on 13 February 2025, a child was trying to use a glass drink dispenser (that smashed during use) causing the child to fall over and receive multiple cuts to their body.
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 February 2025, a notification of incident (NOT-00120058) was submitted to the Authority by the Provider advising that on 13 February 2025, ██████████ (1 yr old) was trying to use glass drink dispenser, which tumbled to the ground and smashed, causing him to fall over in fright and sustain a deep cut to the palm.
5. Additional information submitted with NOT-00120058 included the following:
 - Copy of Incident BeSafe report;
 - ██████████ enrolment form;
 - Risk assessment – Dining Room;
 - Photo of Nursery Drink Station and Plastic Dispenser;
 - Communication of updated risk assessment;
 - Educator room log and supervision checklist;
 - Photo of old glass dispenser.
6. Please note, documents referred to in paragraphs 4 and 5 are not included. These documents can be provided upon request.

Law

7. The Notification engaged the following provisions of the *Law*:

Section 167(1) of the Law - Offence relating to protection of children from harm and hazards

The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.

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 substantiate an offence under section 167 of the *Law* in this instance.
9. In relation to section 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately protected from harm or hazard at all times while in the care of the Service on 13 February 2025.
10. 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.
11. 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.
12. 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.
13. 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

14. 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>.

15. Should you have any questions about this Decision please contact me at vittorio.colosimo@act.gov.au.

Yours Sincerely,



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

5 March 2025