

Mr [REDACTED]  
Person with Management or Control  
Gungahlin Montessori Academy Pty Ltd  
RE: Gungahlin Montessori Academy

Email: [REDACTED]

Dear Mr [REDACTED]

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

**Approved provider:** Gungahlin Montessori Academy Pty Ltd - PR-40017814

**Approved service:** Gungahlin Montessori Academy - SE-40020141

The Regulatory Authority is satisfied that Gungahlin Montessori Academy - SE-40020141 (the Service) operated by Gungahlin Montessori Academy Pty Ltd - PR-40017814 (the Provider), is not complying with the provisions of the *Education and Care Services National Law (ACT)* (the Law) and the *Education and Care Services National Regulations* (the Regulations) as outlined hereunder.

In making the decision to issue this compliance notice, the Regulatory Authority has considered the substantiated contravention, the nature of the risk posed to children by the contraventions, and the objectives and guiding principles of the Law.

Provision of the Law	Description	Steps to be taken by the Approved Provider
Section 166(1)	The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to- (a) any form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances.	The Provider to is to submit evidence demonstrating the following actions:  i. Evidence demonstrating that additional training is provided to all educators regarding appropriate interactions and disciplining of children. The training is to ensure that all staff, inclusive of casual and agency staff, are aware of, understanding, and are embedding quality child appropriate interaction and behaviour guidance practices to meet the expectations of the Provider's own policy and procedure, and the Law.

<p><b>Section 167(1)</b></p>	<p>The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.</p>	<ul style="list-style-type: none"> <li>ii. Evidence demonstrating a process to ensure that educator and child interaction related policies and procedures are always understood and followed by educators.</li> <li>iii. Evidence demonstrating that a process is implemented to have a Person with Management or Control (PMC) identified and delegated to have oversight/governance responsibility to ensure that there is regular mentoring and monitoring of Nominated Supervisors and Responsible Persons. The process is to ensure that Nominated Supervisors and Responsible Persons have a clear understanding of their roles, inclusive of embedding quality practices, interactions, and educator conduct across the Service.</li> <li>iv. In addition, evidence must demonstrate a process of how educators are regularly supported, managed, mentored, and monitored regarding conduct and interactions with children to ensure that children are always protected, and behaviours are supported and guided appropriately.</li> </ul> <p><b>Required evidence to be forwarded to the Regulatory Authority within 21 days of receipt of this Notice.</b></p>
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Time for Compliance

You are required to provide written evidence of your compliance **by the time indicated within the above table**. Please direct your response submission via email to [brian.cropper@act.gov.au](mailto:brian.cropper@act.gov.au) or by post to:

Children’s Education and Care Assurance (CECA),  
Education Directorate  
Attention: Brian Cropper  
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 \$6800 for an individual and \$34,400 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.

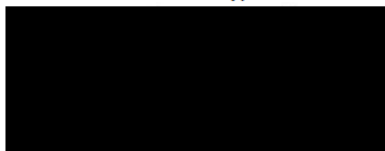
The information does not need to be recorded until after the period for applying for internal review has expired.

### Publication

Under section 270(5) of the *National Law*, the Regulatory Authority may publish information about this compliance notice.

If you have any questions about this notice, please contact Authorised Officer Brian Cropper via email at [brian.cropper@act.gov.au](mailto:brian.cropper@act.gov.au).

Yours Sincerely,



Janine Fairburn  
Assistant Director  
Children's Education and Care Assurance  
Education and Care, Regulation and Support

4 April 2024