

Ms [REDACTED] and Mr [REDACTED]
Person with Management or Control
ACT Education Directorate
RE: Yarralumla Primary School - Preschool Unit and Jervis Bay Primary School - Preschool Unit

Email [REDACTED]
[REDACTED]

Dear Ms [REDACTED] and Mr [REDACTED]

Decision to issue Administrative Action RE: NOT-00153316 and NOT-00154911

1. As you may be aware, the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance (CECA), recently assessed notifications relating to Yarralumla Primary School - Preschool Unit SE-00011236 and Jervis Bay Primary School - Preschool Unit SE-00011201 operated by ACT Education Directorate PR-00006465 (the Provider).
2. Specifically, the notifications advised educators were discovered to have an expired WWVP.
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 8 May 2025, a notification (NOT-00153316) was submitted to the Authority by the Provider advising that between 4 February 2025 to 7 May 2025, an educator, who works in the Yarralumla Primary School - Preschool Unit on Monday, Tuesday and alternate Wednesdays, was discovered to have an expired WWVP.
5. On 13 May 2025, a notification (NOT-00154911) was submitted to the Authority by the Provider advising that from 9 April 2025 to 13 May 2025, an educator, who works in the Jervis Bay Primary School - Preschool Unit during the lunch breaks between Tuesdays and Fridays, was discovered to have an expired WWVP.

Law

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

Section 170(2) of the Law - Offence relating to unauthorised persons on education and care service premises

The approved provider of the education and care service must ensure that a person does not remain at the education and care service premises while children are being educated and cared for at the premises, unless—

- (a) the person is an authorised person; or
- (b) the person is under the direct supervision of an educator or other staff member of the service.

Penalty: \$1100, in the case of an individual
\$5700, in any other case.

Decision

7. The Authority has carefully considered information supplied by the Provider and is satisfied, on the balance of probabilities, that there is sufficient evidence to substantiate an offence under section 170 of the Law in this instance. In that the Provider did not ensure that all Educators were authorised to remain within this Service (Yarralumla) from 4 February 2025 to 7 May 2025.
8. The Authority has carefully considered information supplied by the Provider and is satisfied, on the balance of probabilities, that there is sufficient evidence to substantiate an offence under section 170 of the Law in this instance. In that the Provider did not ensure that all Educators were authorised to remain within this Service (Jervis Bay) from 9 April 2025 to 13 May 2025.
9. 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.
10. 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.
11. The Authority acknowledges that an audit has been undertaken around WWVP accreditation at Arawang Primary School - Waramanga Preschool Unit and Duffy Primary School - Preschool Unit.
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

19 June 2025