



██████████
Person with Management or Control
Kids Biz Holidays & Sports Pty Ltd
RE: Kids Biz OSHC - Holy Family and Kids Biz Holidays and Sports

Email: ██████████

Dear Mr ██████████

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

Approved provider: Kids Biz Holidays & Sports Pty Ltd PR-00008211 (the Provider)

Approved services: Kids Biz Holiday and Sports SE-00009688
Kids Biz OSHC – Holy Family SE-00009685

The Regulatory Authority is satisfied that Kids Biz Holiday and Sports SE-00009688 and Kids Biz OSHC – Holy Family SE-00009685 (the Services), operated by Kids Biz Holidays & Sports Pty Ltd PR-00008211 (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 *National 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 National Law and National Regulations	Description	Steps to be taken by the Approved Provider
National Law Section 165(1)	<p>Section 165(1) of the Law - Offence to inadequately supervise children</p> <p>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.</p>	<p>The Provider to is to submit evidence demonstrating the following actions for all services that it operates:</p> <ul style="list-style-type: none"> i. Evidence demonstrating that additional training is undertaken by all educators regarding the supervision of children at all times, including specific guidance for supervision when on excursions. <p>The training is to ensure that all staff, inclusive of casual and agency staff, are aware of, understanding,</p>

<p>National Law Section 167(1)</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>	<p>and embedding quality supervision practices which meet the expectations of the Provider’s own policy and procedure, and the National Law; and that related policies and procedures are understood and always followed by all staff.</p> <p>ii. 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, the expectations of the Provider and the National Law regarding how they undertake their roles, support, manage and monitor educators practice to ensure that children are adequately supervised at all times that they are being educated and cared for at the service and when on excursion.</p> <p>Required evidence to be forwarded to the Regulatory Authority within 21 days of receipt of this Notice.</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 nicole.withers@act.gov.au or by post to:

Children’s Education and Care Assurance (CECA),
Education Directorate
Attention: Nicole Withers
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 \$6000 for an individual and \$30,000 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 me via email at nicole.withers@act.gov.au.

Yours Sincerely,



Nicole Withers
Assistant Director (Acting)
Children's Education and Care Assurance
Education and Care, Regulation and Support

28 February 2024