

██████████  
Person with Management or Control  
Northside Community Service Limited  
RE: Majura Early Childhood Centre

Email: ██████████@northside.asn.au

Dear Mr ██████████

**Decision to issue Administrative Action RE: NOT-00119825**

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-00119825) relating to Majura Early Childhood Centre SE-00009809 (the Service) operated by Northside Community Service Ltd PR-00005856 (the Provider).
2. The notification of incident advised that on 13 February 2025, the Responsible Person was not at the Service upon opening.
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 13 February 2025, a notification of incident (NOT-00119825) was submitted to the Authority by the Provider advising that on 13 February 2025, Responsible Person was absent at the time of the Service opening. The next available Responsible Person arrived at the Service at 8:40am.
5. Additional information submitted with NOT-00119825 included the following:
  - Educator log and weekly roster.
6. On 18 February 2025, the Provider submitted additional documents in response to a request for further information from the Authority, including:
  - Email communication with staff;
  - Updated roster.
7. Please note, documents referred to in paragraph 4 through 6 are not included. These documents can be provided upon request.

**Law**

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

**Section 162(1) of the Law - Offence to operate education and care service unless responsible person is present**

The approved provider of an education and care service must ensure that one of the following persons is present at all times that the service is educating and caring for children—  
(c) a person in day-to-day charge of the service.

Penalty: \$5 700, in the case of an individual  
\$28 700, in any other case.

**Decision**

9. The Authority has considered all the information supplied by the Provider and is satisfied that due to the admission from the notification of incident, there is sufficient evidence to substantiate an offence under section 162 of the *Law* in this instance.
10. In relation to section 162 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that there was a Responsible Person present at the Service (at all times) on 13 February 2025.
11. 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.
12. 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.
13. 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.
14. 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**

15. 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>.

16. Should you have any questions about this Decision please contact me at [vittorio.colosimo@act.gov.au](mailto:vittorio.colosimo@act.gov.au).

Yours Sincerely,



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

26 March 2025