



Ms [REDACTED]  
Person with Management or Control  
Community Services #1 Incorporated  
RE: Mawson Out of School Hours Care

Email: [REDACTED]@communityservices1.org

Dear Ms [REDACTED]

**Decision to issue Administrative Action RE: NOT-00117074**

1. As you may be aware, the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance (CECA), recently assessed a notification relating to Mawson Out of School Hours Care SE-00009687 (the Service) operated by Community Services #1 Incorporated PR-00005865 (the Provider).
2. Specifically, the notification advised that on 5 February 2025, due a booking discrepancy, a child was not transitioned from School to After School Care, leaving them unsupervised. Refer **Attachment A** for notification and supplemental information.
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 6 February 2025, a notification (NOT-00117074) was submitted to the Authority by the Provider advising that on 5 February 2025, [REDACTED] (5 yrs old) was located at the front office by an Educator after he was not transitioned to After School Care. This was due to a booking discrepancy.

**Law**

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

**Section 165(1) of the Law - Offence to inadequately supervise children**

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.

Penalty: \$11 400, in the case of an individual  
\$57 400, in any other case.

### Decision

6. 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 165 of the *Law* in this instance. In that the Provider did not ensure that all children were adequately supervised at all times while in the care of the Service on 5 February 2025.
7. 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.
8. 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.
9. 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.
10. 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

11. 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>.
12. Should you have any questions about this Decision please contact me at [Brian.Cropper@act.gov.au](mailto:Brian.Cropper@act.gov.au).

Yours Sincerely,

*Brian Cropper*

**Brian Cropper**  
A/g Assistant Director Investigations  
Education and Care Regulation and Support  
Education Directorate

22 April 2025