



Mr [REDACTED]  
Person with Management or Control  
ACT Education Directorate  
RE: Margaret Hendry School Preschool Unit

Email: [REDACTED]@act.gov.au  
[REDACTED]

Dear Mr [REDACTED]

**Decision to issue Administrative Action RE: NOT-00135114**

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 Margaret Hendry School Preschool Unit SE-40014271 (the Service) operated by ACT Education Directorate PR-00006465 (the Provider).
2. Specifically, the notification advised that on 13 March 2025, a child entered a store cupboard and bit into a Firestarter block while being educated and cared for by the Service. 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 14 March 2025, a notification (NOT-00135114) was submitted to the Authority by the Provider advising that on 13 March 2025, [REDACTED] (4 yrs old) entered an open storeroom at the Service and found a box of firelighters taking a bite out of one of these blocks (then spitting it out).

**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.

### **Section 167(1) of the Law - Offence relating to protection of children from harm and hazards**

The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.

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 and 167 of the *Law* in this instance. In that the Provider did not ensure that all children were adequately supervised at all times, nor were they protected from harm or hazard, while in the care of the Service on 13 March 2025.
7. The Authority strongly encourages the provider undertake the following actions:
  - (a) Conduct review or a risk assessment of that storeroom, as well as any other storage areas.
  - (b) Review current supervision plans (if required) and communicate to all educators.
8. 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.
9. 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.
10. This decision serves 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.
11. 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**

12. 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>.

13. 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**

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

15 April 2025