



[REDACTED]  
Person with Management or Control  
Caerus Child Care Pty Ltd  
RE: Springbank Rise by Busy Bees

Email: [REDACTED]

Dear [REDACTED]

**Decision to issue Administrative Action RE: NOT-00098102**

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-00098102) relating to Springbank Rise by Busy Bees SE-40004390 (the Service) operated by Caerus Child Care Pty Ltd PR-40003575 (the Provider).

1. The notification of incident advised that on 4 December 2024, the Service ran over ratio for the day due to staff illness.
2. 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**

3. On 5 December 2024, a notification of incident (NOT-00098102) was submitted to the Authority by the Provider advising that on 4 December 2024, unforeseen staff illness created a shortfall in staffing, which caused the Service to run over ratio for the day.
4. On 13 December 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
  - Request for Information – Letter of Response;
  - Working directly with children records;
  - Child attendance records;
  - Communications with Responsible person;
  - Responsible person consent form;
  - Internal investigations findings and recommendations report;
  - File notes.
5. Please note, documents referred to in paragraph 4 through 6 are not included. These documents can be provided upon request.
6. NOT-00098102 further advised that steps taken by the Provider to prevent or minimise a similar incident included:

- Discussion with Responsible Person outlining correct process to follow when become aware of staff illness impacting staff ratio in service, including alternate staffing options, contacting parents to ensure number of children retains ratio, and escalating issue to other Service Managers in region and Area Director.
- Confirmed Responsible Person is aware of actions to follow to ensure this does not occur again.

### Law

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

#### **Section 169(1) of the Law - Offence relating to staffing arrangements**

An approved provider of an education and care service must ensure that, whenever children are being educated and cared for by the service, the relevant number of educators educating and caring for the children is no less than the number prescribed for this purpose.

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

### Decision

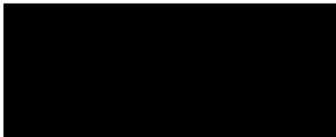
8. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 169 of the *Law* in this instance.
9. In relation to section 169 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that there was adequate staffing during operating hours of the Service on 4 December 2024.
10. 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.
11. 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.
12. This decision services to remind the Provider of their obligations and responsibilities under the *Law*, and to ensure that staffing is monitored regularly to ensure ongoing compliance with the *Law* and encourage continual improvements for outcomes for children. Additionally, ensure that the Nominated Supervisor and the Provider are aware of the processes in place; to prevent the Service going out of ratio in the future.

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](mailto:vittorio.colosimo@act.gov.au).

Yours Sincerely,



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

11 February 2025