



Ms [REDACTED]
Person with Management or Control
OSHCLUB PTY LTD
RE: St Thomas Aquinas OSHClub

Email: [REDACTED]

Dear Ms [REDACTED]

Decision to issue Administrative Action RE: NOT-00142993

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 St Thomas Aquinas OSHClub SE-00009709 (the Service) operated by OSHCLUB PTY LTD PR-40004402 (the Provider).
2. Specifically, the notification advised that on 3 April 2025, an educator failed to arrive for their rostered shift without first notifying of their absence. 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 4 April 2025, a notification (NOT-00142993) was submitted to the Authority by the Provider advising that on 3 April 2025, an educator failed to arrive for their rostered shift and there was no alternate educator or procedure available to ensure ratios were maintained.

Law

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

Section 169(2) of the Law - Offence relating to staffing arrangements

An approved provider of an education and care service must ensure that each educator educating and caring for children for the service meets the qualification requirements relevant to the educator's role as prescribed by the national regulations.

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 s169(1) of the *Law* in this instance, in that the Provider did not ensure educator numbers were no less than prescribed on 3 April 2025.
7. The Authority acknowledges strategies implemented by the Provider on the day to mitigate risk from reduced supervision, outlined in the Notification.
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 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.
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.

Yours Sincerely,



Brian Cropper

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

22 May 2025