

██████████  
Person with Management or Control  
Garrett Five Pty Ltd  
RE: Explore & Develop Conder

Email: ██████@[exploreanddevelop.com.au](mailto:██████████@exploreanddevelop.com.au)

Dear Ms ██████████

**Decision to issue Administrative Action RE: NOT-00068619**

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-00068619) relating to Explore & Develop Conder SE-00009767 (the Service) operated by Garrett Five Pty Ltd PR-00006684 (the Provider).
2. The notification of incident advised that on 29 August 2024, ██████████ (1 yr, 6 months old) was administered 8mL of Panadol as opposed to 0.8mL.
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 29 August 2024, a notification of incident (NOT-00068619) was submitted to the Authority by the Provider advising that on 29 August 2024, ██████████ was administered 8mL of Panadol (age 1 month to 1 yr) as the appropriate aged Panadol was expired. However, the appropriate dose for this age and weight is around 1.5-1.8mL ([Panadol Children Dosage Charts](#)). Refer copy of the NOT-00068619 at Attachment A.
5. Additional information submitted with NOT-00068619 included the following:
  - Enrolment form – Panadol permission;
  - Incident report.

Refer Attachment B.

6. On 30 August 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
  - Module – Managing Acute Fever;
  - Panadol Storage;
  - Panadol Package;
  - Panadol Administration Incident Strategy;
  - Managing Acute Fever Procedure;

- Administering Panadol Procedure Checklist;
- Parent Communication;
- Educator Statement (■■■■)
- Educator Statement (■■■■)
- Signed Policies;
- First Aid Certificate (■■■■)
- ■■■■ Enrolment form;
- Staff forum post.

Refer Attachment C.

7. NOT-00068619 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
  - Over coming weeks, we will review the medication policies and procedures with the team and follow any advice from our regulatory body where required.

#### Law

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

#### **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

9. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to support an offence under section 167 of the *Law* in this instance.
10. In relation to section 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately protected from harm while in the care of the Service on 29 August 2024.
11. The Authority is satisfied that the very nature of the matter notified, and additional information submitted by the Provider supports, on balance of probabilities, the offence being substantiated.
12. The Authority is satisfied that ■■■■ was not adequately protected from harm during this incident, due to the Panadol dosage not being adequately reviewed before administration.
13. 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.

14. 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.
15. 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.
16. 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**

17. 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>.
18. 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  
Regulation and Compliance  
Education Directorate

1 October 2024