ACT Government
Education

[redacted]
Person with Management or Control
ACT Education Directorate

RE: Arawang Primary School - Waramanga Preschool Unit and
Duffy Primary School - Preschool Unit

Email: [redacted]

Dear Ms [redacted]

Decision to issue Administrative Action.

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 Arawang Primary School - Waramanga Preschool Unit SE-00011231 (the Service) operated by ACT Education Directorate PR-00006465 (the Provider).

2. The Authority also assessed a further notification relating to Duffy Primary School - Preschool Unit SE-00011183 (the Service) operated the Provider.

3. The notification (NOT-00124516) advised that on 25 February 2025, an educator was identified having an expired Working with Vulnerable People (WWVP) Registration.

4. Notification (NOT-00135144) advised that on 14 March 2025, another educator was identified as also having an expired Working with Vulnerable People (WWVP) Registration.

5. 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

6. Notification NOT-00124516 outlined educator, [redacted] WWVP registration was found to have expired about July 2024 and had been working directly with children at Arawang Preschool Unit for approximately seven months. Refer to Attachment A for notification.

7. Notification NOT-00135144 outlined a further educator, [redacted] WWVP registration expired on 28 November 2024 and had been working directly with children at Duffy Preschool Unit without registration for about two months. Refer Attachment B for notification.

8. On 7 and 14 March 2025 further information was submitted by Provider. Refer Attachment C for relevant documents.

Law

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

Section 170(2) of the Law - Offence relating to unauthorised persons on education and care service premises
The approved provider of the education and care service must ensure that a person does not remain at the education and care service premises while children are being educated and cared for at the premises, unless—

(a) the person is an authorised person; or
(b) the person is under the direct supervision of an educator or other staff member of the service.

Penalty: $1100, in the case of an individual
$5700, in any other case.

Decision

10. The Authority has carefully considered all the information supplied by Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 170 of the *Law* in this instance.

11. In relation to section 170 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all educators had WWVP registration while working at Service premises on 25 February 2025 and 14 March 2025.

12. 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.

13. 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.

14. Regarding the substantiated offence under section 170 of the Law, the Authority requires the Provider to produce evidence of Provider conducting an audit of WWVP registration for educator's working within the Providers education and care service premises. Such evidence should be produced, within 14 days of receipt of this letter.

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 brian.cropper@act.gov.au.

Yours Sincerely,

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

24 April 2025