



Ms [REDACTED]
Person with Management or Control
Woden Community Service Ltd
RE: Curtin OSHC

Email: [REDACTED]

Dear Ms [REDACTED]

Decision to issue Administrative Action RE: NOT-00144714

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 Curtin OSHC SE-00009667 (the Service) operated by Woden Community Service Ltd PR-00005883 (the Provider).
2. Specifically, the notification advised that on 8 April 2025, a child was left unsupervised, in the Curtin Primary School playground, for approximately 10-15 minutes. 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 9 April 2025, a notification (NOT-00144714) was submitted to the Authority by the Provider advising that on 8 April 2025, [REDACTED] (4 yrs old) followed a child outside, saw a friend and went to play with them in the Junior Playground. This absence was unnoticed by Service staff for approximately 10-15 minutes. A school staff member accompanied [REDACTED] back to the Service.

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, there is sufficient evidence to substantiate an offence under section 165 and s167 of the *Law* in this instance, in that the Provider did not ensure that all children were adequately supervised at all times, while in the care of the Service on 8 April 2025.
7. 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.
8. 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.

Regarding the substantiated offence under sections 165 and 167 of the *Law*, and previous history of non-compliance, the Authority requires the Provider to produce evidence of the following:

- Evidence of strategies implemented or in place, to ensure educators are aware of Provider expectations regarding the supervision of younger children at the service.

Evidence should be produced, within 14 days of receipt of this letter, to Vittorio Colosimo at vittorio.colosimo@act.gov.au.

9. 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.
10. 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

11. 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>.

12. 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