

Ms [REDACTED]
Person with Management or Control
Caerus Early Learning Pty Ltd
T/A Coombs Early Learning
[REDACTED]
[REDACTED]

Email: [REDACTED]

cc: [REDACTED]

Dear Ms [REDACTED]

COMPLIANCE NOTICE

Section 177, Education and Care Services National Law (ACT) Act 2011

Caerus Early Learning Pty Ltd
Coombs Early Learning

PR-40013119
SE-40010858

I am satisfied that Coombs Early Learning, operated by Caerus Early Learning Pty Ltd, is not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011* and the *Education and Care Services National Regulations (the National Law)* as outlined hereunder.

In making the decision to issue this compliance notice, I have taken into account the number of breaches, the nature of the risk posed to children by the non-compliance, and the compliance history of Caerus Early Learning Pty Ltd at its services in the ACT.

1. 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: \$10 000, in the case of an individual
\$50 000, in any other case.

Reason

I have determined that you are not compliant based on the following:

- The provider failed to ensure all reasonable precaution was taken, specifically the risk assessment failed to consider all things necessary to ensure children are protected from harm or hazard.

Steps to be taken

You are required to provide written evidence of your compliance **by the close of business 15 June 2022**, to Authorised Officer Janine Fairburn email janine.fairburn@act.gov.au ACT Regulatory Authority, Children’s Education and Care Assurance, ACT Education Directorate.

In accordance with section 177 of the *Education and Care Services National Law (ACT) Act 2011*, I require you to take steps, as outlined below, to comply with the relevant provisions.

Provision of the <i>National Law</i> and <i>National Regulations</i>	Steps to be taken by the Approved Provider
<p>Section 167 (1) of the <i>National Law</i> Offence relating to protection of children from harm and hazards</p> <p>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.</p>	<p>The Provider must review and update the Service’s outdoor area risk assessment, giving consideration to the playground equipment’s safety standards and specifications, the number and age of children accessing the equipment and the level of support and supervision required.</p>

You must comply with this notice by **15 June 2022**.

Service’s record of compliance

In accordance with Regulation 167 of the National Regulations, details of this compliance notice must be recorded in the service’s record of compliance including: the reason the compliance notice was issued; the steps specified in the notice; and the date by which the steps specified must be taken. The information must not identify any person other than the approved provider.

The information does not need to be recorded until after the period for applying for internal review has expired.

Publication

Under section 270(5) of the National Law, the Regulatory Authority may publish information about this compliance notice. If the Regulatory Authority decides to publish information, it will be after the period for applying for internal review has expired.

Failure to comply

If you do not take the required actions within the required timeframe, I may consider imposing further sanctions, including conditions on your service approval.

Review of decision

Under section 191 of the National Law, you may apply for an internal review of this decision. An application must be lodged within 14 days after the day on which the person is notified of the decision or becomes aware of the decision. An application form AR01 can be obtained from www.acecqa.gov.au.

An internal review will be conducted by a person who was not involved in the decision to issue the compliance direction and will be decided within 30 days of the application being made.

If you have any queries regarding this letter or require any information in order to understand your obligations under the *Law and Regulations*, please contact Authorised Officer Janine Fairburn email janine.fairburn@act.gov.au

Yours sincerely



Clare Brookes

Senior Manager Early Childhood Regulation

Early Childhood Policy and Regulation

Education Directorate

1 June 2022