

Ms [REDACTED]  
Person with Management or Control  
Communities@Work  
RE: Communities@Work Neville Bonner Out of School Hours Care

Email: [REDACTED]

Dear Ms [REDACTED]

**Decision to issue Administrative Action RE: NOT-00141944**

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 Communities@Work Neville Bonner Out of School Hours Care SE-00014264 (the Service) operated by Communities@Work PR-00005824 (the Provider).
2. Specifically, the notification advised that on 1 April 2025, a child was unaccounted for approximately 12 minutes, located by non-staff member and taken to the front desk of the school. 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 2 April 2025, a notification (NOT-00141944) was submitted to the Authority by the Provider advising that on 1 April 2025, [REDACTED] (4 yrs old) was found by a non-staff member in the car park and taken to the front office of Neville Bonner Primary School. The school contacted the Service, and an Educator from the Service collected [REDACTED] from the front office.

**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 there is sufficient evidence to substantiate an offence under section 165 and 167 of the *Law* in this instance.
7. In relation to section 165 and 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately supervised at all times while in the care of the Service on 1 April 2025.
8. 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 offences being substantiated.
9. 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.
10. People and entities that choose to participate in regulated activities have a legal responsibility and an obligation to accept the consequences of that responsibility. In this case, as an approved provider, you chose and consented to participating in the education and care of children and have a responsibility to comply with the standard of care under the *Law*.
11. 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.
12. 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 in place, to ensure educators are aware of Provider expectations, regarding supervision of children and exits at the Service.

Evidence should be produced, within 14 days of receipt of this letter, to Brian Cropper at [brian.cropper@act.gov.au](mailto:brian.cropper@act.gov.au).

13. 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**

14. 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>.
15. Should you have any questions about this Decision please contact me at [Brian.Cropper@act.gov.au](mailto: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