



Ms [REDACTED]
Person with Management or Control
Camp Australia Pty Limited
RE: Camp Australia – Calwell Primary School OSHC

Email: [REDACTED]@campaustralia.com.au
[REDACTED]@campaustralia.com.au

Dear Ms [REDACTED]

Decision to issue Administrative Action RE: NOT-40840743

1. As you are aware, the ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, recently conducted an assessment into Notification (NOT-40840743) advising that minimum regulated ratio levels were not being always met at Camp Australia - Calwell Primary School OSHC SE-00009651 (the Service), operated by Camp Australia Pty Limited PR-00002539 (the Provider).
2. Web addresses to the *Education and Care Services National Law (ACT)* (the Law) and the *Education and Care Services National Regulations 2011 (the Regulations)* are provided for your convenience at the end of this decision.

Facts

3. On 30 March 2023, the Authority received a Notification of Incident (NOT-40840743) from the Provider advising that on 30 March 2023, the Service was out of ratio for 46 minutes. Refer Attachment A
4. On 31 March 2023, the Regulatory Authority requested further information. Information was provided 31 March 2023. Refer Attachment B

Law

5. Relevant provisions of the Law engaged by the notification are as follows:

Section 169(1) of the Law – offence relating to staffing arrangements

An approved provider of an education and care service must ensure that, whenever children are being educated and cared for by the service, the relevant number of educators educating and caring for the children is no less than the number prescribed for this purpose.

Reasons

6. Having considered all the information provided in the Notification, the Authority is satisfied that on 30 March 2023, the Provider has failed to comply with the Law. The information contained in the Notification, and admission of non-compliance by the Provider supports a contravention of section 169(1) of the Law.
7. In deciding if compliance action should be taken the Authority has taken into consideration that the Provider has advised the Authority voluntarily of the identified non-compliance. In addition, the Authority has taken into consideration the length of time that the Service was non-compliant for, as well as advised of steps taken to ensure the health, safety and wellbeing of children whilst

regulated ratio levels were not being met. Accordingly, the Authority will not be initiating statutory compliance action in this instance.

8. In consideration of all relevant information, the Authority has determined in this instance not to initiate statutory compliance action regarding the substantiated contravention of section 169(1) of the *Law*, but rather issue this administrative decision to address the non-compliances.
9. The Provider is expected to have contingency plans in place to ensure ratio requirements are always met – this could include rostering additional staff on above minimum regulated ratio levels or lowering the number of children accepted at any time on any day that the staffing arrangements will not support minimum requirements being met.
10. In regard to the substantiated breach of section 169 of the *Law*, the Provider is requested to submit evidence to the Authority to demonstrate that appropriate processes and procedures are in place which inform, and guide delegated staff on how to proactively and reactively respond to changes in staffing arrangements that may risk non-compliance with section 169 of the *Law*.
11. The Provider is requested to submit the evidence to the Authority by close of business 5 May 2023. Submission can be made to myself at Janine.fairburn@act.gov.au.
12. This Decision is intended to bring to your attention the need to ensure that the Provider meets its obligations under the *Law*, in particular the obligation that minimum regulated ratio levels must be always ensured. Meeting minimum regulated ratio levels is considered a reasonable precaution to be taken to protect children from harm and any hazard likely to cause injury.
13. Furthermore, this Decision is to advise the Provider that the Authority will be monitoring more strictly how the Service is being operated, and that any further non-compliances may result in stronger enforcement measures being actioned by the Authority.

Legislation

14. The *Law* applies to you as an approved provider and any approved service that the Provider operates. 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>.
15. 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>
16. This Decision will be recorded on your Service 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 *Regulations* be found. If you have any queries regarding this Decision, please contact me at janine.fairburn@act.gov.au.

Yours sincerely



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Early Childhood Policy and Regulation

28 April 2023