



[REDACTED]
Person with Management and Control
Camp Australia Pty Limited
RE: Camp Australia – Arawang Primary School OSHC

Email: [REDACTED]

Dear [REDACTED]

Decision to issue Administrative Action RE: NOT-40485659

1. The ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, is satisfied that Camp Australia Pty Limited, PR-00002539 (the Provider) was not complying with the provisions of the *Education and Care Services National Law (ACT) Act* (the Law) in respect to admissions made via a Notification of Incident relating to the operation of Camp Australia – Arawang Primary School OSHC SE-40003187 (the Service).
2. Web addresses to the *Education and Care Services National Law Act (ACT)* (the Law) and the *Education and Care Services National Regulations 2011* (the Regulations) are provided for your convenience at the end of this letter.

Facts

3. On 24 September 2020, the Authority issued the Provider statutory compliance action, which included placing a condition on the Service’s approval as follows:

“For each day on which the Service is educating and caring for children, the Provider must roster at least one additional educator for every 1 to 66 children booked in to attend the Service on that same day, who is in excess of the educators required to meet the minimum number prescribed by Regulation 123 (including provision of cover for all breaks or other times an educator is not working directly with children as defined by Regulation 13).”
4. The condition came into force 14 days after the issue of the enforcement action on 24 September 2020.
5. On 9 November 2020, the Authority received a Notification of a circumstance arising at the service that posed a risk to the health, safety or wellbeing of a child or children attending the service (NOT-40485659) from the Provider. Refer Notification and additional information at Attachment A.
6. The Notification advised that, after a review from the Nominated Supervisor of working directly with children records, it was identified that the Service was not, at all times, adhering to the conditions placed on the service approval regarding rostering of additional

staff. The Nominated Supervisor identified that the responsible person had incorrectly asked the educators to finish their shift when they were still required.

Law

7. The Notification engages the following provisions of the *Law*

Section 51(8) of the *Law* – Conditions on Service Approval

The approved provider must comply with the conditions of a service approval held by the approved provider.

Reasons for Decision

8. Having considered the information provided in the Notification, the Authority is satisfied that the Provider has failed to comply with the *Law*. The information contained in the Notification is an admission of a breach of section 51(8) of the *Law*.
9. In deciding if compliance action should be taken the Authority has taken into account that the Provider has taken appropriate steps to ensure that all staff responsible for staffing arrangements at the Service are aware of and understand the requirements of the service approval conditions.
10. Furthermore, the Authority has taken into account that the Provider has been proactive in monitoring internally compliance with the service approval condition and has advised the Authority voluntarily of the identified non-compliance. Accordingly, the Authority will not be initiating statutory compliance action in this instance.
11. This decision, however, is intended to bring to your attention the need to ensure that the Provider meets its obligations under the *Law*, in particular the obligations to ensure that the conditions of the service approval are adhered to at all times to ensure that all children are adequately supervised at all times and that every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.
12. This decision will be recorded on your service file and may be considered in any future applications for approvals, amendments or waivers. This decision may also be considered in determining any future regulatory action, should there be future breaches of the *Law* or *Regulations*.
13. Please be aware that any further contraventions of section 51(8) of the *Law* will be addressed via stronger statutory action.

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>.

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. Should you have any queries regarding this Decision please contact me on (02) 6205 4309 or email Janine.fairburn@act.gov.au.

Yours sincerely



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

18 November 2020

CC'd:

