



██████████  
Person with Management or Control  
FEL Child Care Centres 4 Pty Ltd  
RE: Busy Bees at Crace

Email: ██████████@busybees.edu.au

Dear ██████████,

**Decision to issue Administrative Action RE: NOT-00149444**

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 Busy Bees at Crace SE-40002600 (the Service) operated by FEL Child Care Centres 4 Pty Ltd PR-40004076 (the Provider).
2. Specifically, the notification advised that on 24 April 2025, a child absconded from their designated room twice, moving between multiple areas of the centre. 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 24 April 2025, a notification (NOT-00149444) was submitted to the Authority by the Provider advising that on 24 April 2025, ██████████ (3 yrs old) left their designated room twice. The first occurred at 9am, where ██████████ climbed a low fence into the adjacent Toddlers yard. The second occurred at 10:10am, when ██████████ left his designated room into the outdoor space.

**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 the Provider did not ensure all children were adequately supervised at all times while in care of the Service on 24 April 2025, contravening section 165 and 167 of the *Law*.
7. It is the view of the Authority that supervision not only includes observing a child but also be able to act and intercede on the child's behalf when required.
8. 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.
9. 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.
10. 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.
11. 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**

12. 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>.
13. 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

22 May 2025