

12 February 2020



Australian Government  
Australian Skills Quality Authority

Mr Sam Rosenberg  
Chief Executive Officer  
Early Childhood Training Pty Ltd  
235 Hawthorn Rd  
Caulfield North Vic 3161

By email to: [sam@childcarems.com.au](mailto:sam@childcarems.com.au)

RTO ID: 90900  
Audit No: AUDREC0010216

Dear Mr Rosenberg,

**Re: Direction to rectify breach of conditions**

I refer to the audit of Early Childhood Training Pty Ltd conducted on 04 February 2020. The audit focused on the qualifications or units of competency listed in your organisation's application or scope of registration.

ASQA has determined your organisation is **not compliant** with the requirements of the *Standards for Registered Training Organisations 2015* (Standards for RTOs) which is a breach of Section 22 of the *National Vocational Education and Training Regulator Act 2011* (NVR Act). A copy of the final audit report is attached for your reference.

The Australian Skills Quality Authority (**ASQA**), as the national VET regulator, has made the decision to give a written direction, under section 35A(1) of the *National Vocational Education and Training Regulator Act 2011* (NVR Act), requiring your organisation to:

- rectify this breach by addressing each non-compliance outlined in the attached audit report within 20 working days of the date of this notice; and
- retain evidence this written direction has been complied with for examination at a future regulatory activity, by retaining evidence that you have addressed each non-compliance outlined in the attached audit report.

You are not required to submit evidence that you have addressed the non-compliances in response to this notice. ASQA will review evidence that you have complied with this notice at a future regulatory activity.

ASQA considers that issuing a direction to rectify a breach of condition is a proportionate response to the level of non-compliance identified. The direction to rectify a breach of condition has been issued as an alternative to requiring rectification evidence or proposing a sanction be imposed on your organisation.



## **Reviewable Decision**

You can seek a review of this decision as it is a reviewable decision under section 199 of the NVR Act.

## **Reconsideration by ASQA**

As a delegate made this decision, you may apply to ASQA for a reconsideration of the decision. This option must be exercised within 30 days from the date of this notice using the *Application for reconsideration of reviewable decision*. Your application must include the reasons for the application and requires payment of an application fee. Please refer to the ASQA website at [www.asqa.gov.au](http://www.asqa.gov.au) to obtain the application form and further information about reviewable decisions. ASQA will inform you of the result of its reconsideration of the decision within 90 days of receiving your application.

## **Review by the AAT following reconsideration by ASQA**

If, upon the reconsideration, ASQA either affirms or varies its decision, you may seek a further review by the Administrative Appeals Tribunal (**the AAT**) under section 203(1) of the NVR Act.

The AAT is an independent review authority that has the power to affirm, vary or set aside ASQA's decisions. The AAT aims to provide fair, impartial, high quality and prompt review with as little formality and technicality as possible.

Under section 41(2) of the *Administrative Appeals Tribunal Act 1975*, you also have the right to apply to the AAT for a stay of the enforcement or implementation of ASQA's decision until such time as the AAT determines its review of the decision.

An application to the AAT for a review of the decision must be submitted within 28 days of receiving notification of ASQA's decision and will usually require the payment of an application fee. Your application to the AAT must be submitted in writing using the AAT forms available from the AAT Registry in your capital city, or from the AAT website [www.aat.gov.au](http://www.aat.gov.au). Review applications may also be lodged at the Administrative Appeals Tribunal, GPO Box 9955 in your capital city. You may contact the AAT directly by telephone at 1300 366 700.

## **Review by the AAT without reconsideration by ASQA**

You may also apply to the AAT for review of ASQA's decision under section 203(2) of the NVR Act, without first applying to ASQA for a reconsideration of the decision.



### Access Documents

Your organisation may also have the right of access to further documents under the *Freedom of Information Act 1982*. More information about Freedom of Information (FOI), including how to make an FOI application, is available [via https://www.asqa.gov.au/about/accountability-and-reporting/freedom-information](https://www.asqa.gov.au/about/accountability-and-reporting/freedom-information).

### Further information

If you require further information in relation to this matter, please contact ASQA's Infoline on 1800 301 801 by email: [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)

Yours sincerely,



Darryl Murray  
**Manager, Regulatory Operations**