

Early Childhood and Community Engagement Enforcement Action



Details		
1. Details of the person to whom the enforcement action relates	Name	Mr Jaisan Ndamuhawenimana, the Approved Provider for the service known as Learning and Uniting Family Day Care Pty Ltd SE-40003424
	Service type (If applicable)	Family Day Care Service
	Address (if applicable)	Unit 2A 50-56 Kellar Street, Berrinba, Queensland, 4117
2. Nature of Enforcement Action	Prosecution for offence relating to providing information or a document which the person knows to be false or misleading in a material particular, under section 295(1) of the National Law.	
3. Reason for Prosecution	<p>The Approved Provider operated a specific family day care service, Learning and Uniting Family Day Care (the Service) under Service Approval SE-40003424 (the Service Approval), which was subject to the condition that it must not engage or register more than 30 family day care educators with the Service;</p> <p>a)</p> <ul style="list-style-type: none"> The Approved Provider provided a document to the Regulatory Authority described as “register of family day care educators for Learning and Uniting Family Day Care” representing that the Service was utilising the services of 30 educators. The Service was utilising the services of up to 51 educators and was thus acting in breach of the terms of its Service Approval. Provision of the document was undertaken in circumstances in which the Approved Provider knew by virtue of his role exercising management or control of the Service that its contents were false and/or misleading in a material particular in that they misrepresented the actual numbers of educators engaged by the Service in breach of its Service Approval. <p>b)</p> <ul style="list-style-type: none"> The Approved Provider, in verbal response to a request made to him by an Authorised Officer about the number of educators whose services were currently being utilised by the Service, gave meaning and effect that the Service was utilising the services of only 30 educators. The Service was utilising the services of up to 33 educators and was thus in breach of the terms of its Service Approval. Provision of the information from the Approved Provider was undertaken in circumstances in which the Approved Provider knew by virtue of his role exercising management or control of the Service that its contents were false and/or misleading in a material particular in that they misrepresented the actual numbers of educators engaged by the Service in breach of its Service Approval. 	

4. Details of the Prosecution	The Approved Provider entered a plea of guilty to two charges of providing false and/or misleading information or document. A fine of \$2,500 was imposed at Beenleigh Magistrates Court. No conviction was recorded.
5. Notes	The Approved Provider was ordered to pay \$1,000 professional costs.