

## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Atlantis Air Pty Ltd atf J&L Burnett Family Trust
Service Name	Natural Elements Early Learning Centre - Potsville
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Atlantis Air Pty Ltd for:</p> <ul style="list-style-type: none"> <li>• two offences of failing to take every reasonable precaution to protect children from harm and from any hazard likely to cause injury - section 167(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>.</li> </ul>
Date of conviction	28 July 2020
Sentence	Convicted at Tweed Heads Local Court and fined a total of \$2,800

### Proven offence:

On 12 March 2018, a number of children were in the care of the service, including a six-month-old child and a nine-month-old child.

The temperature in Potsville on 12 March 2018 was around 22 degrees Celsius at 9am and reached a maximum of around 27 degrees Celsius at 3pm.

Shortly after 11am, an educator at the service took the nine-month-old child outside. The educator did not put sunscreen on the child, as she was not expecting the child to be outside for any length of time. A short time later, another educator brought the six-month-old child outside. Both children were under a palm tree.

At around 1pm, the children were taken to the verandah.

Both children were sunburnt, with the nine-month-old child requiring medical treatment for superficial sunburn to the scalp, face, arms, tops of the feet and a small amount to the back of the neck.

Atlantis Air Pty Ltd

- failed to take every reasonable precaution to protect a child from harm and from any hazard likely to cause injury, in that, while the two children were outdoors:
  - they were not wearing hats;

- they were not wearing any sunscreen;
- they were not positioned in the shade; and
- their exposure to the sun was not minimised as much as practically possible.