



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Byron Shire Council
Service Name	Byron Bay Out of School Hours Care
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Byron Shire Council Ltd for: <ul style="list-style-type: none">• one offence of failing to ensure adequate supervision of children - section 165(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• two offences of failing to comply with the conditions of a provider approval – section 19(4) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of conviction	31 May 2019
Sentence	Convicted at Byron Bay Local Court and fined a total of \$6,750

Proven offence:

Byron Shire Council:

- failed to ensure that adequate supervision was provided when a child left the premises unnoticed by staff; and
- failed to comply with the conditions of the provider approval when, on two occasions, it failed to give the Department notice of the changes with respect to the nominated supervisor either 7 days prior to, or 14 days after, the change.