



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Person with management or control	Jan Shang
Service Name	Joys Child Care
Type of Service	Family day care service
Action Taken	<p>Prosecution action against Mr Jan Shang for:</p> <ul style="list-style-type: none">• one offence of providing an education and care service without a service approval - section 103(1)(a) and (b) of the <i>Children (Education and Care Services) National Law (NSW)</i>;• one offence of advertising education and care services for a service that was not an approved service - section 104 of the <i>Children (Education and Care Services) National Law (NSW)</i>;• one offence of obstructing an authorised officer in the exercise of his powers under the National Law – section 207 of the <i>Children (Education and Care Services) National Law (NSW)</i>;• one offence of failing to comply with requirements made by an authorised officer under Schedule 2 of the National Law – section 208 of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• one offence of failing to comply with a requirement under section 215 of the National Law – section 217 of the <i>Children (Education and Care Services) National Law (NSW)</i>
Date of conviction	24 June 2019
Sentence	Convicted at Parramatta Local Court and fined a total of \$34,000

Proven offence:
Mr Jan Shang:

- failed to exercise due diligence by continuing to operate and advertise a child care service after the provider approval had been suspended;
- obstructed authorised officers and failed to comply with requirements during the execution of the search warrant by:
 - refusing to allow officers to contact the parents of children to allow the search of the premises to continue without the children being present;
 - denying access to levels one and two of the premises;
 - interfering with officers attempting to interview staff at the premises;
 - causing the officers to call the police on a number of occasions so that the search could progress; and
 - failing to answer questions relating to the premises and the documents held on the premises.
- refused to provide documents following the receipt of a notice under section 215 of the National Law.