



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Kidz Klub Pty Ltd
Service Name	Kidz Klub
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Kidz Klub Pty Ltd for: <ul style="list-style-type: none"><li>• 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</li><li>• one offence of failing to ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and 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	14 July 2017
Sentence	Convicted at Penrith Local Court and fined a total of \$22,500

### Proven offence:

On 7 August 2015, while playing on an indoor “flying fox”, a nine year old child came to be in a position in which she was hanging from the structure by a scarf that was wrapped around her neck and the handle of the flying fox. The child became motionless and unresponsive whilst hanging from the structure. Another child at the service told an educator, in words to the effect of, “There is a girl hanging in the flying fox.” The child who had been in the flying fox was transported to hospital by ambulance.

Kidz Klub Pty Ltd failed to ensure that adequate supervision was provided, and that every reasonable precaution was taken to prevent harm and hazard likely to cause injury to the child.