



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Sutherland Shire Council
Service Name	Sutherland Council – Miranda Vacation Care
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Sutherland Shire Council for: <ul style="list-style-type: none">• one offence 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>.
Date of conviction	16 April 2019
Sentence	Convicted at Sutherland Local Court and fined a total of \$3,750

Proven offence:

The service premises is used for before and after school care, and vacation care. Some time prior to 18 December 2017, staff at the before and after school care service had commenced using a synthetic rope suspended between two poles in the outdoor shaded area as a makeshift clothesline. In early November 2017, the Area Manager identified the rope as a hazard and directed that it be taken down.

Following the Area Manager’s visit, the rope was erected again at a height above a child’s head height.

On 18 December 2017, staff conducted a morning safety check of the premises but did not identify the rope as a hazard and did not remove it. The rope was noted to be positioned above Velcro padding on the poles, which gave the appearance of preventing the rope from slipping downwards.

At approximately 2:00pm on 18 December 2017, a six year old child ran into the rope, sustaining an injury to his neck.

Sutherland Shire Council failed to take every reasonable precaution to protect a child from harm and from any hazard likely to cause injury.