



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

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| Nominated Supervisor | Mr Joshua Emerton, employed by T A Dutton and J C Emerton |
| Service Name | Active OOSH Cameron Park |
| Type of Service | Centre based education and care service |
| Action Taken | Prosecution action against Joshua Emerton for: <ul style="list-style-type: none">• one offence of failing to ensure adequate supervision of children – section 165(2) of the <i>Children (Education and Care Services) National Law (NSW)</i> |
| Date of conviction | 21 July 2017 |
| Sentence | Convicted at Newcastle Local Court and fined \$3,000 |

Proven offence:

The service utilised minibuses to take children in the care of the service to various schools in the morning, and to pick up children and transport them to the service in the afternoon after school.

On 29 April 2016, after picking children up from school and transporting them to the service, a five year old child remained inside one of the buses after it had been parked in the garage and locked for the evening. The child remained alone and unsupervised in the bus between approximately 3:15pm to 5:45pm, when the child's mother came to collect him from the service. At that time, Mr Emerton began a search of the premises when he heard the sound of the minibus horn from inside the garage. The child was found crying and shaking, and was clearly distressed.

Joshua Emerton, in his capacity as nominated supervisor, failed to ensure that all children were adequately supervised at all times while in the care of the service.