



Early Childhood Education and Care Regulatory Authority

Convictions and Significant Enforcement Actions

Approved Provider Name	OSHClub Pty Ltd
Service Name	Kellyville Ridge OSHClub
Type of Service	Centre-based service
Action Taken	Prosecution action against OSHClub Pty Ltd for: <ul style="list-style-type: none">• one offence of failing to ensure that all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service – section 165(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• 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 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	28 July 2025
Sentence	Convicted of 2 offences in the Blacktown Local Court. No penalty was imposed for the section 165(1) offence and the approved provider was fined \$5,000 in respect to the section 167(1) offence.

Proven offence:

OSHClub Pty Ltd failed to ensure that all children being educated and cared for by the service were adequately supervised at all times that they were in the care of that service when, at about 3:06pm on 21 July 2024, an enrolled child exited the service premises unsupervised and unaccompanied. The child walked approximately 1 kilometre alone until he was retrieved by NSW Police. OSHClub Pty Ltd:

- did not ensure that the child's whereabouts and movements were monitored actively and diligently between approximately 3:02pm and 3:06pm;

- did not prevent the child from exiting the premises unaccompanied; and
- did not provide supervision of any kind to the child between approximately 3:06pm and 4:33pm.

OSHClub Pty Ltd failed to ensure that every reasonable precaution was taken to protect a child from harm and from any hazard likely to cause injury in that, on 31 July 2024, it:

- did not ensure the child remained within the service premises;
- did not ensure adequate supervision during the transition and sign in process with sufficient staff positioned where all children under their supervision were visible, and in an area where children could be closely monitored;
- did not ensure the child's attendance at the service was accurately recorded;
- did not ensure the service's policies and procedures in relation to sign-in and missing or absent children were properly followed; and
- did not ensure all staff were adequately trained and aware of appropriate timeframes to contact parents, the school, and NSW Police in the event of a missing or absent child.