

**COMMUNITY SERVICES — CHILDCARE OPERATORS — BREACHES**

3283. Hon Colin Tincknell to the Leader of the House representing the Minister for Community Services:

- (1) How many breaches of regulations by child care operators, by licensed category, occurred in the following periods:
  - (a) 1 July 2017 to 30 June 2018;
  - (b) 1 July 2018 to 30 June 2019; and
  - (c) 1 July 2019 to 30 June 2020?
- (2) How many of breaches listed in (1)(a), (b) and (c) have proceeded to prosecution?
- (3) What have been the outcomes of those prosecutions?

**Hon Sue Ellery replied:**

- (1) Under Western Australian law, the majority of Preschool/Kindergarten services are regulated by the Department of Education. The Department of Communities can only report on those Preschool/Kindergarten services that fall within the jurisdiction of the Education and Care Regulatory Unit.

(a)

Long Day Care	Outside School Hours Care	Preschool / Kindergarten	Family Day Care	Other
781	335	20	126	0

(b)

Long Day Care	Outside School Hours Care	Preschool / Kindergarten	Family Day Care	Other
765	331	18	97	0

(c)

Long Day Care	Outside School Hours Care	Preschool / Kindergarten	Family Day Care	Other
497	202	7	65	1

- (2) The Department of Communities uses both the Magistrates Court (for prosecutions) and the State Administrative Tribunal (for civil disciplinary proceedings).

In 2017–18, 15 matters progressed to the State Administrative Tribunal, and three progressed to the Magistrates Court.

In 2018–19, 14 matters progressed to the State Administrative Tribunal, and two to the Magistrates Court.

In 2019–20, 10 matters progressed to the State Administrative Tribunal, and one to the Magistrates Court.

It should be noted that prosecutions and civil disciplinary proceedings may address multiple breaches.

- (3) In all of the matters that resulted in prosecutions and civil disciplinary proceedings, all non-compliances were rectified and resulted in a monetary penalty or fine.

The outcomes of the prosecutions in terms of total penalties/fines and Court costs is:

	<b>Total Penalties/Fines and Court Costs</b>
2017–18	\$323,965.65
2018–19	\$375,984.30
2019–20	\$158,756.20