# CHILDREN’S SERVICES REGULATORY PENALTIES

In line with the provisions of the *Monetary Units Act 2004* all penalties are expressed in penalty units. Penalties are automatically indexed each year on 1 July. The value of a penalty unit each year is published by the Treasurer.

As the Children's Services Act 1996 and Children's Services Regulations 2020 do not express penalties in dollars, the tables below convert the penalty units to dollar amounts.

There is no GST payable on penalties. The penalties in these tables are effective from

17 May 2020 to 30 June 2021.

Penalty unit value from 1 July 2019 to 30 June 2021: $165.22

## Children’s services Act 1996 penalties

Note: The summary description is a shortened text of the full section of law/regulation. Refer to the relevant section in the Children's Services Act 1996 and regulation in the Children's Services Regulations 2020 for full details.

### In the case of an individual

| **Section** | **Summary description** | **Penalty units in the case of an individual** | **Penalty units in any other case**  | **Penalty in the case of an individual** | **Penalty in any other case** |
| --- | --- | --- | --- | --- | --- |
| s19(4) | An approved provider must comply with the conditions of the provider approval. | 60 | 300 | $9,913 | $49,566 |
| **s36(3)** | Notice to parents of suspension or cancellation | 20 | 100 | $3,304 | $16,522 |
| **s50(7)** | An approved provider must comply with the conditions of a service approval held by the approved provider. | 60 | 300 | $9,913 | $49,566 |
| **s68(1)** | Confirmation of service transfer to be provided to the Regulatory Authority | 20 | 100 | $3,304 | $16,522 |
| s69(1) | Written notice of service transfer to be provided to parents | 20 | 100 | $3,304 | $16,522 |
| s82(3) | Notice to parents of suspension or cancellation | 20 | 100 | $3,304 | $16,522 |
| s99(b) | Offence to provide a children's service without service approval | 120 | 600 | $19,826 | $99,132 |
| s100(1) | Offence to advertise children's service without service approval | 40 | 200 | $6,609 | $33,044 |
| s101 | Offence to operate children's service without nominated supervisor | 20 | 100 | $3,304 | $16,522 |
| s102 | Offence for nominated supervisor not to meet prescribed minimum requirements | 20 | 100 | $3,304 | $16,522 |
| s103 | Offence to operate children's service unless responsible person is present | 20 | 100 | $3,304 | $16,522 |
| s105(1) | Offence to inadequately supervise children - approved provider | 60 | 300 | $9,913 | $49,566 |
| s105(2) | Offence to inadequately supervise children - nominated supervisor | 60 | N/A | $9,913 | N/A |
| s106(1) | Offence to use inappropriate discipline - approved provider | 60 | 300 | $9,913 | $49,566 |
| s106(2) | Offence to use inappropriate discipline - nominated supervisor | 60 | N/A | $9,913 | N/A |
| s106(3) | Offence to use inappropriate discipline - staff member or volunteer | 60 | N/A | $9,913 | N/A |
| s107(1) | Offence relating to protection of children from harm and hazards - approved provider | 60 | 300 | $9,913 | $49,566 |
| s107(2) | Offence relating to protection of children from harm and hazards - nominated supervisor | 60 | N/A | $9,913 | N/A |
| s108(1) | Offence relating to required programs - approved provider | 20 | 100 | $3,304 | $16,522 |
| s108(2) | Offence relating to required programs - nominated supervisor | 20 | N/A | $3,304 | N/A |
| s109(1) | The prescribed number of educators must be available when providing education and care - approved provider | 60 | 300 | $9,913 | $49,566 |
| s109(2) | Each educator educating and caring for children for the service must meet the qualification requirements relevant to the educator's role as prescribed by the regulations - approved provider | 60 | 300 | $9,913 | $49,566 |
| s109(3) | The prescribed number of educators must be available when providing education and care - nominated supervisor | 60 | N/A | $9,913 | N/A |
| s109(4) | Each educator educating and caring for children for the service must meet the qualification requirements relevant to the educator's role as prescribed by the regulations - nominated supervisor | 60 | N/A | $9,913 | N/A |
| s110(1) | Offence relating to unauthorised persons on children's service premises - approved provider | 5 | 25 | $826 | $4,131 |
| s110(2) | Offence relating to unauthorised persons on children's service premises - nominated supervisor | 5 | N/A | $826 | N/A |
| s111(2) | Offence relating to direction to exclude inappropriate persons from children's service premises | 60 | 300 | $9,913 | $49,566 |
| s112 | Offence to fail to display prescribed information | 20 | 100 | $3,304 | $16,522 |
| s113(1) | Offence to fail to notify certain circumstances to Regulatory Authority | 20 | 100 | $3,304 | $16,522 |
| s113(2) | Offence to fail to notify certain circumstances to Regulatory Authority | 20 | 100 | $3,304 | $16,522 |
| s114(1) | Offence to fail to notify certain information to Regulatory Authority | 20 | 100 | $3,304 | $16,522 |
| s114(2) | Offence to fail to notify certain information to Regulatory Authority | 20 | 100 | $3,304 | $16,522 |
| s115(1) | Offence relating to requirement to keep enrolment and other documents | 20 | 100 | $3,304 | $16,522 |
| s116(3) | Compliance directions - approved provider must comply | 10 | 50 | $1,652 | $8,261 |
| s117(3) | Compliance notices - approved provider must comply | 40 | 200 | $6,609 | $33,044 |
| s118(3) | Emergency action notices - approved provider must comply | 40 | 200 | $6,609 | $33,044 |
| s128(1) | Person must not contravene prohibition notice | 120 | N/A | $19,826 | N/A |
| s128(2) | Person must not contravene prohibition notice | 120 | N/A | $19,826 | N/A |
| s129(1) | Offence to engage person to whom prohibition notice applies  | 120 | 600 | $19,826 | $99,132 |
| s129(2) | Offence to engage person to whom prohibition notice applies  | 120 | 600 | $19,826 | $99,132 |
| s129(3) | Offence to engage person to whom prohibition notice applies  | 120 | 600 | $19,826 | $99,132 |
| s130 | False or misleading information about prohibition notice | 40 | N/A | $6,609 | N/A |
| s137(3) | Identity card - authorised officer to carry and show | 5 | N/A | $826 | N/A |
| s137(5) | Identity card - authorised officer return to Regulatory Authority on ceasing to be authorised | 5 | N/A | $826 | N/A |
| s148 | Offence to obstruct authorised officer | 40 | 200 | $6,609 | $33,044 |
| s149 | Offence to fail to assist authorised officer | 40 | 200 | $6,609 | $33,044 |
| s150 | Offence to destroy or damage notices or documents | 40 | 200 | $6,609 | $33,044 |
| s151 | Offence to impersonate authorised officer | 40 | N/A | $6,609 | N/A |
| s157 | Offence to fail to comply with notice or requirement | 40 | 200 | $6,609 | $33,044 |
| s158 | Offence to hinder or obstruct Regulatory Authority | 40 | 200 | $6,609 | $33,044 |
| s168(1) | Duty of confidentiality | 20 | N/A | $3,304 | N/A |
| s182(1) | False or misleading information or documents | 40 | 200 | $6,609 | $33,044 |
| s184(1) | A person must not take serious detrimental action against a person in reprisal for a protected disclosure. | 60 | 300 | $9,913 | $49,566 |
| s209(1) | Keeping of old information - proprietor of a children's service | 15 | 125 | $2,478 | $20,653 |
| s209(2) | Keeping of old information - holder of an old licence | 15 | 125 | $2,478 | $20,653 |
| s209(3) | Keeping of old information - approved provider to whom records are transferred | 15 | 125 | $2,478 | $20,653 |
| s209(4) | Keeping of old information -person required to keep records under this section to make records available to Regulatory Authority | 15 | 125 | $2,478 | $20,653 |

## Children’s Services regulations 2020 penalties

| Regulation | Summary description | Penalty Units | Penalty  |
| --- | --- | --- | --- |
| r46(1) | Health, hygiene and safe food practices - approved provider | 10 | $1,652 |
| r46(2) | Health, hygiene and safe food practices - nominated supervisor | 10 | $1,652 |
| r47(1) | Food and beverages - approved provider | 10 | $1,652 |
| r47(2) | Food and beverages - nominated supervisor | 10 | $1,652 |
| r48(1) | Service providing food and beverages - approved provider | 10 | $1,652 |
| r48(2) | Service providing food and beverages - nominated supervisor | 10 | $1,652 |
| r49(1) | Display of weekly menu - approved provider | 5 | $826 |
| r49(2) | Display of weekly menu - nominated supervisor | 5 | $826 |
| r50(1) | Sleep and Rest - approved provider | 5 | $826 |
| r50(2) | Sleep and Rest - nominated supervisor | 5 | $826 |
| r51 | Tobacco, drug and alcohol-free environment | 10 | $1,652 |
| r52(1) | Staff members not to be affected by alcohol or drugs - approved provider | 10 | $1,652 |
| r52(2) | Staff members not to be affected by alcohol or drugs - nominated supervisor | 10 | $1,652 |
| r53 | Awareness of child protection law | 5 | $826 |
| r55 | Notification to parents of incident, injury, trauma and illness | 10 | $1,652 |
| r57(1) | Prevent spread of infectious disease | 10 | $1,652 |
| r57(2) | Notification of infectious disease | 10 | $1,652 |
| r58 | First aid kits | 10 | $1,652 |
| r62(1) | Authorisation to administer medication - approved provider | 10 | $1,652 |
| r62(2) | Notification to parents of administration of medication | 5 | $826 |
| r62(3) | Authorisation to administer medication - nominated supervisor | 10 | $1,652 |
| r66(2) | Risk assessment must be conducted to prepare for emergency evacuation | 10 | $1,652 |
| r66(3) | Emergency and evacuation procedures are rehearsed | 10 | $1,652 |
| r66(4) | Emergency and evacuation plans to be displayed | 10 | $1,652 |
| r67 | Ready access to telephone or other communication equipment | 5 | $826 |
| r68(1) | Children leaving the children’s service premises - approved provider | 10 | $1,652 |
| r68(2) | Children leaving the children’s service premises - nominated supervisor | 10 | $1,652 |
| r69(1) | Risk assessment must be conducted before excursion -approved provider | 10 | $1,652 |
| r69(2) | Risk assessment must be conducted before excursion - nominated supervisor | 10 | $1,652 |
| r71(1) | Authorisation for excursions - approved provider | 5 | $826 |
| r71(2) | Authorisation for excursions - nominated supervisor | 5 | $826 |
| r72 | Premises, furniture and equipment to be safe, clean and in good repair | 10 | $1,652 |
| r73(1) | Fencing | 10 | $1,652 |
| r76(1) | Space requirements—indoor space | 10 | $1,652 |
| r77(2) | Space requirements—outdoor space | 10 | $1,652 |
| r79 | Ventilation and natural light | 10 | $1,652 |
| r81(3) | Nappy change facilities | 5 | $826 |
| r83 | Outdoor space—shade | 5 | $826 |
| r88 | Educators who are under 18 to be supervised | 5 | $826 |
| r95(1) | First aid qualifications | 10 | $1,652 |
| r106(1) | Access for parents - approved provider | 5 | $826 |
| r106(2) | Access for parents - nominated supervisor | 5 | $826 |
| r112(1) | Children’s service must have policies and procedures | 5 | $826 |
| r113 | Policies and procedures to be followed | 5 | $826 |
| r114(1) | Policies and procedures to be kept available | 5 | $826 |
| r114(2) | Policies and procedures to be kept available - for inspection | 5 | $826 |
| r120(2) | Prescribed enrolment and other documents to be kept by approved provider  | 10 | $1,652 |
| r120(3) | Prescribed enrolment and other documents to be kept by approved provider and made available on request | 10 | $1,652 |
| r122 | Confidentiality of records kept by approved provider | 10 | $1,652 |
| r127(3) | Prescribed form of identity card for authorised officers | 5 | $826 |

© State of Victoria (Department of Education and Training) 2020. Except where otherwise [noted,](https://www.education.vic.gov.au/Pages/copyright.aspx) material in this document is provided under a
 [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/) Please check the full [copyright notice](https://www.education.vic.gov.au/Pages/copyright.aspx)