

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

EARLY CHILDHOOD EDUCATION

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
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

EARLY CHILDHOOD EDUCATION

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
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

EARLY CHILDHOOD EDUCATION

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
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

EARLY CHILDHOOD EDUCATION

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
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

EARLY CHILDHOOD EDUCATION

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
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

EARLY CHILDHOOD EDUCATION

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
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

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
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

EARLY CHILDHOOD EDUCATION

Regulation	Summary description	Penalty Units	Penalty
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

EARLY CHILDHOOD EDUCATION

Regulation	Summary description	Penalty Units	Penalty
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](#), material in this document is provided under a [Creative Commons Attribution 4.0 International](#) Please check the full [copyright notice](#)