# 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

1 July 2022.

Penalty unit value from 1 July 2022 to 30 June 2023: $184.92

## Children’s services Act 1996 penalties

| **Section** | **Description** | **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 penalty units  $11,095 | 300 penalty units  $55,476 |
| s36(3) | Notice to parents of suspension or cancellation | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s50(7) | An approved provider must comply with the conditions of a service approval held by the approved provider | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| s68(1) | Confirmation of service transfer to be provided to the Regulatory Authority | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s69(1) | Written notice of service transfer to be provided to parents | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s82(3) | Notice to parents of suspension or cancellation | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s99(b) | Offence to provide a children's service without service approval | 120 penalty units  $22,190 | 600 penalty units  $110,952 |
| s100(1) | Offence to advertise children's service without service approval | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s101 | Offence to operate children's service without nominated supervisor | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s102 | Offence for nominated supervisor not to meet prescribed minimum requirements | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s103 | Offence to operate children's service unless responsible person is present | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s105(1) | Offence to inadequately supervise children - approved provider | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| s105(2) | Offence to inadequately supervise children - nominated supervisor | 60 penalty units  $11,095 | N/A |
| s106(1) | Offence to use inappropriate discipline - approved provider | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| s106(2) | Offence to use inappropriate discipline - nominated supervisor | 60 penalty units  $11,095 | N/A |
| s106(3) | Offence to use inappropriate discipline - staff member or volunteer | 60 penalty units  $11,095 | N/A |
| s107(1) | Offence relating to protection of children from harm and hazards - approved provider | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| s107(2) | Offence relating to protection of children from harm and hazards - nominated supervisor | 60 penalty units  $11,095 | N/A |
| s108(1) | Offence relating to required programs - approved provider | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s108(2) | Offence relating to required programs - nominated supervisor | 20 penalty units  $3,698 | N/A |
| s109(1) | The prescribed number of educators must be available when providing education and care - approved provider | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| 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 penalty units  $11,095 | 300 penalty units  $55,476 |
| s109(3) | The prescribed number of educators must be available when providing education and care - nominated supervisor | 60 penalty units  $11,095 | 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 penalty units  $11,095 | N/A |
| s110(1) | Offence relating to unauthorised persons on children's service premises - approved provider | 5 penalty units  $925 | 25 penalty units  $4,623 |
| s110(2) | Offence relating to unauthorised persons on children's service premises - nominated supervisor | 5 penalty units  $925 | N/A |
| s111(2) | Offence relating to direction to exclude inappropriate persons from children's service premises | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| s112 | Offence to fail to display prescribed information | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s113(1) | Offence to fail to notify certain circumstances to Regulatory Authority | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s113(2) | Offence to fail to notify certain circumstances to Regulatory Authority | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s114(1) | Offence to fail to notify certain information to Regulatory Authority | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s114(2) | Offence to fail to notify certain information to Regulatory Authority | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s115(1) | Offence relating to requirement to keep enrolment and other documents | 20 penalty units  $3,698 | 100 penalty units  $18,492 |
| s116(3) | Compliance directions - approved provider must comply | 10 penalty units  $1,849 | 50 penalty units  $9,246 |
| s117(3) | Compliance notices - approved provider must comply | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s118(3) | Emergency action notices - approved provider must comply | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s128(1) | Person must not contravene prohibition notice | 120 penalty units  $22,190 | N/A |
| s128(2) | Person must not contravene prohibition notice | 120 penalty units  $22,190 | N/A |
| s129(1) | Offence to engage person to whom prohibition notice applies | 120 penalty units  $22,190 | 600 penalty units  $110,952 |
| s129(2) | Offence to engage person to whom prohibition notice applies | 120 penalty units  $22,190 | 600 penalty units  $110,952 |
| s129(3) | Offence to engage person to whom prohibition notice applies | 120 penalty units  $22,190 | 600 penalty units  $110,952 |
| s130 | False or misleading information about prohibition notice | 40 penalty units  $7,397 | N/A |
| s137(3) | Identity card - authorised officer to carry and show | 5 penalty units  $925 | N/A |
| s137(5) | Identity card - authorised officer return to Regulatory Authority on ceasing to be authorised | 5 penalty units  $925 | N/A |
| s148 | Offence to obstruct authorised officer | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s149 | Offence to fail to assist authorised officer | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s150 | Offence to destroy or damage notices or documents | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s151 | Offence to impersonate authorised officer | 40 penalty units  $7,397 | N/A |
| s157 | Offence to fail to comply with notice or requirement | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s158 | Offence to hinder or obstruct Regulatory Authority | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s168(1) | Duty of confidentiality | 20 penalty units  $3,698 | N/A |
| s182(1) | False or misleading information or documents | 40 penalty units  $7,397 | 200 penalty units  $36,984 |
| s184(1) | A person must not take serious detrimental action against a person in reprisal for a protected disclosure. | 60 penalty units  $11,095 | 300 penalty units  $55,476 |
| s209(1) | Keeping of old information - proprietor of a children's service | 15 penalty units  $2,774 | 125 penalty units  $23,115 |
| s209(2) | Keeping of old information - holder of an old licence | 15 penalty units  $2,774 | 125 penalty units  $23,115 |
| s209(3) | Keeping of old information - approved provider to whom records are transferred | 15 penalty units  $2,774 | 125 penalty units  $23,115 |
| s209(4) | Keeping of old information -person required to keep records under this section to make records available to Regulatory Authority | 15 penalty units  $2,774 | 125 penalty units  $23,115 |

## Children’s Services regulations 2020 penalties

| Regulation | Summary description | Penalty Units | Penalty |
| --- | --- | --- | --- |
| r46(1) | Health, hygiene and safe food practices - approved provider | 10 | $1,849 |
| r46(2) | Health, hygiene and safe food practices - nominated supervisor | 10 | $1,849 |
| r47(1) | Food and beverages - approved provider | 10 | $1,849 |
| r47(2) | Food and beverages - nominated supervisor | 10 | $1,849 |
| r48(1) | Service providing food and beverages - approved provider | 10 | $1,849 |
| r48(2) | Service providing food and beverages - nominated supervisor | 10 | $1,849 |
| r49(1) | Display of weekly menu - approved provider | 5 | $925 |
| r49(2) | Display of weekly menu - nominated supervisor | 5 | $925 |
| r50(1) | Sleep and Rest - approved provider | 5 | $925 |
| r50(2) | Sleep and Rest - nominated supervisor | 5 | $925 |
| r51 | Tobacco, drug and alcohol-free environment | 10 | $1,849 |
| r52(1) | Staff members not to be affected by alcohol or drugs - approved provider | 10 | $1,849 |
| r52(2) | Staff members not to be affected by alcohol or drugs - nominated supervisor | 10 | $1,849 |
| r53 | Awareness of child protection law | 5 | $925 |
| r55 | Notification to parents of incident, injury, trauma and illness | 10 | $1,849 |
| r57(1) | Prevent spread of infectious disease | 10 | $1,849 |
| r57(2) | Notification of infectious disease | 10 | $1,849 |
| r58 | First aid kits | 10 | $1,849 |
| r62(1) | Authorisation to administer medication - approved provider | 10 | $1,849 |
| r62(2) | Notification to parents of administration of medication | 5 | $925 |
| r62(3) | Authorisation to administer medication - nominated supervisor | 10 | $1,849 |
| r66(2) | Risk assessment must be conducted to prepare for emergency evacuation | 10 | $1,849 |
| r66(3) | Emergency and evacuation procedures are rehearsed | 10 | $1,849 |
| r66(4) | Emergency and evacuation plans to be displayed | 10 | $1,849 |
| r67 | Ready access to telephone or other communication equipment | 5 | $925 |
| r68(1) | Children leaving the children’s service premises - approved provider | 10 | $1,849 |
| r68(2) | Children leaving the children’s service premises - nominated supervisor | 10 | $1,849 |
| r69(1) | Risk assessment must be conducted before excursion -approved provider | 10 | $1,849 |
| r69(2) | Risk assessment must be conducted before excursion - nominated supervisor | 10 | $1,849 |
| r71(1) | Authorisation for excursions - approved provider | 5 | $925 |
| r71(2) | Authorisation for excursions - nominated supervisor | 5 | $925 |
| r72 | Premises, furniture and equipment to be safe, clean and in good repair | 10 | $1,849 |
| r73(1) | Fencing | 10 | $1,849 |
| r76(1) | Space requirements—indoor space | 10 | $1,849 |
| r77(2) | Space requirements—outdoor space | 10 | $1,849 |
| r79 | Ventilation and natural light | 10 | $1,849 |
| r81(3) | Nappy change facilities | 5 | $925 |
| r83 | Outdoor space—shade | 5 | $925 |
| r88 | Educators who are under 18 to be supervised | 5 | $925 |
| r95(1) | First aid qualifications | 10 | $1,849 |
| r106(1) | Access for parents - approved provider | 5 | $925 |
| r106(2) | Access for parents - nominated supervisor | 5 | $925 |
| r112(1) | Children’s service must have policies and procedures | 5 | $925 |
| r113 | Policies and procedures to be followed | 5 | $925 |
| r114(1) | Policies and procedures to be kept available | 5 | $925 |
| r114(2) | Policies and procedures to be kept available - for inspection | 5 | $925 |
| r120(2) | Prescribed enrolment and other documents to be kept by approved provider | 10 | $1,849 |
| r120(3) | Prescribed enrolment and other documents to be kept by approved provider and made available on request | 10 | $1,849 |
| r122 | Confidentiality of records kept by approved provider | 10 | $1,849 |
| r127(3) | Prescribed form of identity card for authorised officers | 5 | $925 |

© State of Victoria (Department of Education and Training) 2021. 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)