# Children’s services regulatory penalties

In line with the provisions of the *Sentencing Act 1991* and the *Monetary Units Act 2004* all penalties for offences in Victorian legislation 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.

The tables below convert the penalty units in the *Children's Services Act 1996* and Children's Services Regulations 2020 to dollar amounts.

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

1 July 2024.

Penalty unit value from 1 July 2024 to 30 June 2025: $197.59

## 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  $11,855 | 300 penalty units  $59,277 |
| **s36(3)** | Notice to parents of suspension or cancellation | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s50(7)** | An approved provider must comply with the conditions of a service approval held by the approved provider | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **s68(1)** | Confirmation of service transfer to be provided to the Regulatory Authority | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s69(1)** | Written notice of service transfer to be provided to parents | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s82(3)** | Notice to parents of suspension or cancellation | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s99(b)** | Offence to provide a children's service without service approval | 120 penalty units  $23,711 | 600 penalty units  $118,554 |
| **s100(1)** | Offence to advertise children's service without service approval | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s101** | Offence to operate children's service without nominated supervisor | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s102** | Offence for nominated supervisor not to meet prescribed minimum requirements | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s103** | Offence to operate children's service unless responsible person is present | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s105(1)** | Offence to inadequately supervise children - approved provider | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **s105(2)** | Offence to inadequately supervise children - nominated supervisor | 60 penalty units  $11,855 | N/A |
| **s106(1)** | Offence to use inappropriate discipline - approved provider | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **s106(2)** | Offence to use inappropriate discipline - nominated supervisor | 60 penalty units  $11,855 | N/A |
| **s106(3)** | Offence to use inappropriate discipline - staff member or volunteer | 60 penalty units  $11,855 | N/A |
| **s107(1)** | Offence relating to protection of children from harm and hazards - approved provider | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **s107(2)** | Offence relating to protection of children from harm and hazards - nominated supervisor | 60 penalty units  $11,855 | N/A |
| **s108(1)** | Offence relating to required programs - approved provider | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s108(2)** | Offence relating to required programs - nominated supervisor | 20 penalty units  $3,952 | N/A |
| **s109(1)** | The prescribed number of educators must be available when providing education and care - approved provider | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **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  $11,855 | 300 penalty units  $59,277 |
| **s109(3)** | The prescribed number of educators must be available when providing education and care - nominated supervisor | 60 penalty units  $11,855 | 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  $11,855 | N/A |
| **s110(1)** | Offence relating to unauthorised persons on children's service premises - approved provider | 5 penalty units  $988 | 25 penalty units  $4,940 |
| **s110(2)** | Offence relating to unauthorised persons on children's service premises - nominated supervisor | 5 penalty units  $988 | N/A |
| **s111(2)** | Offence relating to direction to exclude inappropriate persons from children's service premises | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **s112** | Offence to fail to display prescribed information | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s113(1)** | Offence to fail to notify certain circumstances to Regulatory Authority | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s113(2)** | Offence to fail to notify certain circumstances to Regulatory Authority | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s114(1)** | Offence to fail to notify certain information to Regulatory Authority | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s114(2)** | Offence to fail to notify certain information to Regulatory Authority | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s115(1)** | Offence relating to requirement to keep enrolment and other documents | 20 penalty units  $3,952 | 100 penalty units  $19,759 |
| **s116(3)** | Compliance directions - approved provider must comply | 10 penalty units  $1,976 | 50 penalty units  $9,616 |
| **s117(3)** | Compliance notices - approved provider must comply | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s118(3)** | Emergency action notices - approved provider must comply | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s128(1)** | Person must not contravene prohibition notice | 120 penalty units  $23,711 | N/A |
| **s128(2)** | Person must not contravene prohibition notice | 120 penalty units  $23,711 | N/A |
| **s129(1)** | Offence to engage person to whom prohibition notice applies | 120 penalty units  $23,711 | 600 penalty units  $118,554 |
| **s129(2)** | Offence to engage person to whom prohibition notice applies | 120 penalty units  $23,711 | 600 penalty units  $118,554 |
| **s129(3)** | Offence to engage person to whom prohibition notice applies | 120 penalty units  $23,711 | 600 penalty units  $118,554 |
| **s130** | False or misleading information about prohibition notice | 40 penalty units  $7,904 | N/A |
| **s137(3)** | Identity card - authorised officer to carry and show | 5 penalty units  $988 | N/A |
| **s137(5)** | Identity card - authorised officer return to Regulatory Authority on ceasing to be authorised | 5 penalty units  $988 | N/A |
| **s148** | Offence to obstruct authorised officer | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s149** | Offence to fail to assist authorised officer | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s150** | Offence to destroy or damage notices or documents | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s151** | Offence to impersonate authorised officer | 40 penalty units  $7,904 | N/A |
| **s157** | Offence to fail to comply with notice or requirement | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s158** | Offence to hinder or obstruct Regulatory Authority | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s168(1)** | Duty of confidentiality | 20 penalty units  $3,952 | N/A |
| **s182(1)** | False or misleading information or documents | 40 penalty units  $7,904 | 200 penalty units  $39,518 |
| **s184(1)** | A person must not take serious detrimental action against a person in reprisal for a protected disclosure. | 60 penalty units  $11,855 | 300 penalty units  $59,277 |
| **s209(1)** | Keeping of old information - proprietor of a children's service | 15 penalty units  $2,964 | 125 penalty units  $24,699 |
| **s209(2)** | Keeping of old information - holder of an old licence | 15 penalty units  $2,964 | 125 penalty units  $24,699 |
| **s209(3)** | Keeping of old information - approved provider to whom records are transferred | 15 penalty units  $2,964 | 125 penalty units  $24,699 |
| **s209(4)** | Keeping of old information -person required to keep records under this section to make records available to Regulatory Authority | 15 penalty units  $2,964 | 125 penalty units  $24,699 |

## Children’s Services Regulations 2020 penalties

| Regulation | Summary description | Penalty Units | Penalty |
| --- | --- | --- | --- |
| r46(1) | Health, hygiene and safe food practices - approved provider | 10 | $1,976 |
| r46(2) | Health, hygiene and safe food practices - nominated supervisor | 10 | $1,976 |
| r47(1) | Food and beverages - approved provider | 10 | $1,976 |
| r47(2) | Food and beverages - nominated supervisor | 10 | $1,976 |
| r48(1) | Service providing food and beverages - approved provider | 10 | $1,976 |
| r48(2) | Service providing food and beverages - nominated supervisor | 10 | $1,976 |
| r49(1) | Display of weekly menu - approved provider | 5 | $988 |
| r49(2) | Display of weekly menu - nominated supervisor | 5 | $988 |
| r51 | Tobacco, drug and alcohol-free environment | 10 | $1,976 |
| r52(1) | Staff members not to be affected by alcohol or drugs - approved provider | 10 | $1,976 |
| r52(2) | Staff members not to be affected by alcohol or drugs - nominated supervisor | 10 | $1,976 |
| r53 | Awareness of child protection law | 5 | $988 |
| r53A(1) | Sleep and rest - approved provider | 5 | $988 |
| r53A(2) | Sleep and rest - nominated supervisor | 5 | $988 |
| r53C | Risk assessment for purposes of sleep and rest policies and procedures | 10 | $1,976 |
| r53D | Prohibition of bassinets – approved provider | 10 | $1,976 |
| r53D | Prohibition of bassinets – nominated supervisor | 10 | $1,976 |
| r55 | Notification to parents of incident, injury, trauma and illness | 10 | $1,976 |
| r57(1) | Prevent spread of infectious disease | 10 | $1,976 |
| r57(2) | Notification of infectious disease | 10 | $1,976 |
| r58 | First aid kits | 10 | $1,976 |
| r62(1) | Authorisation to administer medication - approved provider | 10 | $1,976 |
| r62(2) | Notification to parents of administration of medication | 5 | $988 |
| r62(3) | Authorisation to administer medication - nominated supervisor | 10 | $1,976 |
| r66(2) | Risk assessment for preparation of emergency and evacuation procedures | 10 | $1,976 |
| r66(2A) | Risk assessment conducted under r66(2) must be reviewed | 10 | $1,976 |
| r66(2B) | Emergency and evacuation policies and procedures must be updated after review | 10 | $1,976 |
| r66(3) | Emergency and evacuation procedures are rehearsed | 10 | $1,976 |
| r66(4) | Emergency and evacuation plans to be displayed | 10 | $1,976 |
| r67 | Ready access to telephone or other communication equipment | 5 | $988 |
| r68(1) | Children leaving the children’s service premises - approved provider | 10 | $1,976 |
| r68(2) | Children leaving the children’s service premises - nominated supervisor | 10 | $1,976 |
| r69(1) | Risk assessment must be conducted before excursion -approved provider | 10 | $1,976 |
| r69(2) | Risk assessment must be conducted before excursion - nominated supervisor | 10 | $1,976 |
| r71(1) | Authorisation for excursions - approved provider | 5 | $988 |
| r71(2) | Authorisation for excursions - nominated supervisor | 5 | $988 |
| r71C(1) | Risk assessment for purposes of safe arrival of children policies and procedures | 10 | $1,976 |
| r71E(1) | Transport risk assessment must be conducted before service transports child – approved provider | 10 | $1,976 |
| r71E(2) | Transport risk assessment must be conducted before service transports child – nominated supervisor | 10 | $1,976 |
| r71G(1) | Authorisation for service to transport children – approved provider | 5 | $988 |
| r71G(2) | Authorisation for service to transport children – nominated supervisor | 5 | $988 |
| r71H(2) | Children embarking a means of transport – approved provider | 10 | $1,976 |
| r71H(3) | Children embarking a means of transport – nominated supervisor | 10 | $1,976 |
| r71I(2) | Children disembarking a means of transport – approved provider | 10 | $1,976 |
| r71I(3) | Children disembarking a means of transport – nominated supervisor | 10 | $1,976 |
| r72 | Premises, furniture and equipment to be safe, clean and in good repair | 10 | $1,976 |
| r73(1) | Fencing | 10 | $1,976 |
| r76(1) | Space requirements—indoor space | 10 | $1,976 |
| r77(2) | Space requirements—outdoor space | 10 | $1,976 |
| r79 | Ventilation and natural light | 10 | $1,976 |
| r81(3) | Nappy change facilities | 5 | $988 |
| r83 | Outdoor space—shade | 5 | $988 |
| r88 | Educators who are under 18 to be supervised | 5 | $988 |
| r95(1) | First aid qualifications | 10 | $1,976 |
| r106(1) | Access for parents - approved provider | 5 | $988 |
| r106(2) | Access for parents - nominated supervisor | 5 | $988 |
| r112(1) | Children’s service must have policies and procedures | 5 | $988 |
| r113 | Policies and procedures to be followed | 5 | $988 |
| r114(1) | Policies and procedures to be kept available | 5 | $988 |
| r114(2) | Policies and procedures to be kept available - for inspection | 5 | $988 |
| r120(2) | Prescribed enrolment and other documents to be kept by approved provider | 10 | $1,976 |
| r120(3) | Prescribed enrolment and other documents to be kept by approved provider and made available on request | 10 | $1,976 |
| r122 | Confidentiality of records kept by approved provider | 10 | $1,976 |
| r127(3) | Prescribed form of identity card for authorised officers | 5 | $988 |

© State of Victoria (Department of Education) 2023. 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)