

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

Section	Description	Penalty in the case of an individual	Penalty in any other case
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

Section	Description	Penalty in the case of an individual	Penalty in any other case
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

Section	Description	Penalty in the case of an individual	Penalty in any other case
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

Section	Description	Penalty in the case of an individual	Penalty in any other case
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

Regulation	Summary description	Penalty Units	Penalty
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

Regulation	Summary description	Penalty Units	Penalty
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

Regulation	Summary description	Penalty Units	Penalty
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