

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 2023.

Penalty unit value from 1 July 2023 to 30 June 2024: \$192.31

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 \$11,539	300 penalty units \$57,693
s36(3)	Notice to parents of suspension or cancellation	20 penalty units \$3,846	100 penalty units \$19,231
s50(7)	An approved provider must comply with the conditions of a service approval held by the approved provider	60 penalty units \$11,539	300 penalty units \$57,693
s68(1)	Confirmation of service transfer to be provided to the Regulatory Authority	20 penalty units \$3,846	100 penalty units \$19,231
s69(1)	Written notice of service transfer to be provided to parents	20 penalty units \$3,846	100 penalty units \$19,231
s82(3)	Notice to parents of suspension or cancellation	20 penalty units \$3,846	100 penalty units \$19,231
s99(b)	Offence to provide a children's service without service approval	120 penalty units \$23,077	600 penalty units \$115,386
s100(1)	Offence to advertise children's service without service approval	40 penalty units \$7,692	200 penalty units \$38,462
s101	Offence to operate children's service without nominated supervisor	20 penalty units \$3, 846	100 penalty units \$19,231

Section	Description	Penalty in the case of an individual	Penalty in any other case
s102	Offence for nominated supervisor not to meet prescribed minimum requirements	20 penalty units \$3, 846	100 penalty units \$19,231
s103	Offence to operate children's service unless responsible person is present	20 penalty units \$3, 846	100 penalty units \$19,231
s105(1)	Offence to inadequately supervise children - approved provider	60 penalty units \$11,539	300 penalty units \$57,693
s105(2)	Offence to inadequately supervise children - nominated supervisor	60 penalty units \$11,539	N/A
s106(1)	Offence to use inappropriate discipline - approved provider	60 penalty units \$11,539	300 penalty units \$57,693
s106(2)	Offence to use inappropriate discipline - nominated supervisor	60 penalty units \$11,539	N/A
s106(3)	Offence to use inappropriate discipline - staff member or volunteer	60 penalty units \$11,539	N/A
s107(1)	Offence relating to protection of children from harm and hazards - approved provider	60 penalty units \$11,539	300 penalty units \$57,693
s107(2)	Offence relating to protection of children from harm and hazards - nominated supervisor	60 penalty units \$11,539	N/A
s108(1)	Offence relating to required programs - approved provider	20 penalty units \$3,846	100 penalty units \$19,231
s108(2)	Offence relating to required programs - nominated supervisor	20 penalty units \$3,846	N/A
s109(1)	The prescribed number of educators must be available when providing education and care - approved provider	60 penalty units \$11,539	300 penalty units \$57,693
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 \$11,539	300 penalty units \$57,693

Section	Description	Penalty in the case of an individual	Penalty in any other case
s109(3)	The prescribed number of educators must be available when providing education and care - nominated supervisor	60 penalty units \$11,539	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 \$11,539	N/A
s110(1)	Offence relating to unauthorised persons on children's service premises - approved provider	5 penalty units \$962	25 penalty units \$4,808
s110(2)	Offence relating to unauthorised persons on children's service premises - nominated supervisor	5 penalty units \$962	N/A
s111(2)	Offence relating to direction to exclude inappropriate persons from children's service premises	60 penalty units \$11,539	300 penalty units \$57,693
s112	Offence to fail to display prescribed information	20 penalty units \$3,846	100 penalty units \$19,231
s113(1)	Offence to fail to notify certain circumstances to Regulatory Authority	20 penalty units \$3,846	100 penalty units \$19,231
s113(2)	Offence to fail to notify certain circumstances to Regulatory Authority	20 penalty units \$3,846	100 penalty units \$19,231
s114(1)	Offence to fail to notify certain information to Regulatory Authority	20 penalty units \$3,846	100 penalty units \$19,231
s114(2)	Offence to fail to notify certain information to Regulatory Authority	20 penalty units \$3,846	100 penalty units \$19,231
s115(1)	Offence relating to requirement to keep enrolment and other documents	20 penalty units \$3,846	100 penalty units \$19,231
s116(3)	Compliance directions - approved provider must comply	10 penalty units \$1,923	50 penalty units \$9,616
s117(3)	Compliance notices - approved provider must comply	40 penalty units \$7,692	200 penalty units \$38,462

Section	Description	Penalty in the case of an individual	Penalty in any other case
s118(3)	Emergency action notices - approved provider must comply	40 penalty units \$7,692	200 penalty units \$38,462
s128(1)	Person must not contravene prohibition notice	120 penalty units \$23,077	N/A
s128(2)	Person must not contravene prohibition notice	120 penalty units \$23,077	N/A
s129(1)	Offence to engage person to whom prohibition notice applies	120 penalty units \$23,077	600 penalty units \$115,386
s129(2)	Offence to engage person to whom prohibition notice applies	120 penalty units \$23,077	600 penalty units \$115,386
s129(3)	Offence to engage person to whom prohibition notice applies	120 penalty units \$23,077	600 penalty units \$115,386
s130	False or misleading information about prohibition notice	40 penalty units \$7,692	N/A
s137(3)	Identity card - authorised officer to carry and show	5 penalty units \$962	N/A
s137(5)	Identity card - authorised officer return to Regulatory Authority on ceasing to be authorised	5 penalty units \$962	N/A
s148	Offence to obstruct authorised officer	40 penalty units \$7,692	200 penalty units \$38,462
s149	Offence to fail to assist authorised officer	40 penalty units \$7,692	200 penalty units \$38,462
s150	Offence to destroy or damage notices or documents	40 penalty units \$7,692	200 penalty units \$38,462
s151	Offence to impersonate authorised officer	40 penalty units \$7,692	N/A
s157	Offence to fail to comply with notice or requirement	40 penalty units \$7,692	200 penalty units \$38,462

Section	Description	Penalty in the case of an individual	Penalty in any other case
s158	Offence to hinder or obstruct Regulatory Authority	40 penalty units \$7,692	200 penalty units \$38,462
s168(1)	Duty of confidentiality	20 penalty units \$3,846	N/A
s182(1)	False or misleading information or documents	40 penalty units \$7,692	200 penalty units \$38,462
s184(1)	A person must not take serious detrimental action against a person in reprisal for a protected disclosure.	60 penalty units \$11,539	300 penalty units \$57,693
s209(1)	Keeping of old information - proprietor of a children's service	15 penalty units \$2,885	125 penalty units \$24,039
s209(2)	Keeping of old information - holder of an old licence	15 penalty units \$2,885	125 penalty units \$24,039
s209(3)	Keeping of old information - approved provider to whom records are transferred	15 penalty units \$2,885	125 penalty units \$24,039
s209(4)	Keeping of old information -person required to keep records under this section to make records available to Regulatory Authority	15 penalty units \$2,885	125 penalty units \$24,039

Children's Services regulations 2020 penalties

Regulation	Summary description	Penalty Units	Penalty
r46(1)	Health, hygiene and safe food practices - approved provider	10	\$1,923
r46(2)	Health, hygiene and safe food practices - nominated supervisor	10	\$1,923
r47(1)	Food and beverages - approved provider	10	\$1,923
r47(2)	Food and beverages - nominated supervisor	10	\$1,923
r48(1)	Service providing food and beverages - approved provider	10	\$1,923
r48(2)	Service providing food and beverages - nominated supervisor	10	\$1,923
r49(1)	Display of weekly menu - approved provider	5	\$962
r49(2)	Display of weekly menu - nominated supervisor	5	\$962
r50(1)	Sleep and Rest - approved provider	5	\$962
r50(2)	Sleep and Rest - nominated supervisor	5	\$962
r51	Tobacco, drug and alcohol-free environment	10	\$1,923
r52(1)	Staff members not to be affected by alcohol or drugs - approved provider	10	\$1,923
r52(2)	Staff members not to be affected by alcohol or drugs - nominated supervisor	10	\$1,923
r53	Awareness of child protection law	5	\$962
r55	Notification to parents of incident, injury, trauma and illness	10	\$1,923

Regulation	Summary description	Penalty Units	Penalty
r57(1)	Prevent spread of infectious disease	10	\$1,923
r57(2)	Notification of infectious disease	10	\$1,923
r58	First aid kits	10	\$1,923
r62(1)	Authorisation to administer medication - approved provider	10	\$1,923
r62(2)	Notification to parents of administration of medication	5	\$962
r62(3)	Authorisation to administer medication - nominated supervisor	10	\$1,923
r66(2)	Risk assessment must be conducted to prepare for emergency evacuation	10	\$1,923
r66(3)	Emergency and evacuation procedures are rehearsed	10	\$1,923
r66(4)	Emergency and evacuation plans to be displayed	10	\$1,923
r67	Ready access to telephone or other communication equipment	5	\$962
r68(1)	Children leaving the children's service premises - approved provider	10	\$1,923
r68(2)	Children leaving the children's service premises - nominated supervisor	10	\$1,923
r69(1)	Risk assessment must be conducted before excursion - approved provider	10	\$1,923
r69(2)	Risk assessment must be conducted before excursion - nominated supervisor	10	\$1,923
r71(1)	Authorisation for excursions - approved provider	5	\$962
r71(2)	Authorisation for excursions - nominated supervisor	5	\$962

Regulation	Summary description	Penalty Units	Penalty
r72	Premises, furniture and equipment to be safe, clean and in good repair	10	\$1,923
r73(1)	Fencing	10	\$1,923
r76(1)	Space requirements—indoor space	10	\$1,923
r77(2)	Space requirements—outdoor space	10	\$1,923
r79	Ventilation and natural light	10	\$1,923
r81(3)	Nappy change facilities	5	\$962
r83	Outdoor space—shade	5	\$962
r88	Educators who are under 18 to be supervised	5	\$962
r95(1)	First aid qualifications	10	\$1,923
r106(1)	Access for parents - approved provider	5	\$962
r106(2)	Access for parents - nominated supervisor	5	\$962
r112(1)	Children's service must have policies and procedures	5	\$962
r113	Policies and procedures to be followed	5	\$962
r114(1)	Policies and procedures to be kept available	5	\$962
r114(2)	Policies and procedures to be kept available - for inspection	5	\$962
r120(2)	Prescribed enrolment and other documents to be kept by approved provider	10	\$1,923

Regulation	Summary description	Penalty Units	Penalty
r120(3)	Prescribed enrolment and other documents to be kept by approved provider and made available on request	10	\$1,923
r122	Confidentiality of records kept by approved provider	10	\$1,923
r127(3)	Prescribed form of identity card for authorised officers	5	\$962

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