CHILDREN’S SERVICES LICENSING 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 2009 do not express penalties in dollars, the tables below convert the penalty units to dollar amounts.

There is no GST payable on any penalties. **The penalties in these tables are effective from 1 July 2018.**

**Penalty unit value from 1 July 2018 to 30 June 2019: $161.19**

# Children's Services Act 1996

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| Section | Summary Description | Penalty Units | Penalty at 1 July 2018 |
| s7 | Offence to carry on unlicensed children's service | 240 | $38,686 |
| s8(1) | Offence to advertise unlicensed etc. children's service | 120 | $19,343 |
| s26(1) | Protection of children from hazards (proprietor must ensure) | 120 | $19,343 |
| s26(2) | Protection of children from hazards (staff member must ensure) | 120 | $19,343 |
| s26A | Children's service to have anaphylaxis management policy  | 60 | $9,671 |
| s26B(1) | Educational or recreational programs (proprietor must ensure) | 60 | $9,671 |
| s27(1) | Inadequate supervision of children (proprietor) | 120 | $19,343 |
| s27(2) | Inadequate supervision of children (staff member) | 120 | $19,343 |
| s28(1) | Discipline of children (proprietor) | 120 | $19,343 |
| s28(2) | Discipline of children (staff member) | 120 | $19,343 |
| s29(1) | Premises to be kept clean and in good repair (proprietor) | 120 | $19,343 |
| s29A(1) | Child/staff ratios | 120 | $19,343 |
| s29B(1) | Authorisation to administer medication (proprietor) | 120 | $19,343 |
| s29C | Secretary to be notified of a serious incident | 120 | $19,343 |
| s30(1) | Licensee or nominee to be present at children's service | 120 | $19,343 |
| s30(2) | Responsible person or nominee to be present at approved associated children's service | 120 | $19,343 |
| s31 | Offence to contravene condition etc. of licence | 120 | $19,343 |
| s32 | Change of directors etc. | 60 | $9,671 |
| Section | **Summary Description** | **Penalty Units** | **Penalty at 1 July 2018** |
| s32B(1) | Enrolment and other documents (proprietor) | 60 | $9,671 |
| s33(1) | Licence must be displayed - children's service | 60 | $9,671 |
| s33(2) | Service approval must be displayed - approved associated children's service | 60 | $9,671 |
| s34(1) | Licensee to notify clients of certain changes (licence variation) | 60 | $9,671 |
| s34(2) | Licensee to notify clients of certain changes (licence cancellation) | 60 | $9,671 |
| s34A(1) | Approved provider of an approved associated service to notify clients of certain changes (amend service approval) | 60 | $9,671 |
| s34A(2) | Approved provider of an approved associated service to notify clients of certain changes (service approval cancelled) | 60 | $9,671 |
| s35(6) | Authorisation of officers - identity card | 10 | $1,612 |
| s42A(3) | Power of Secretary to obtain information, documents and evidence | 120 | $19,343 |
| s43(4) | Notice to enforce requirements | 120 | $19,343 |
| s43A(2) | Notice to take emergency action | 120 | $19,343 |
| s46 | Offences relating to enforcement | 120 | $19,343 |
| s54(5) | Immunity | 10 | $1,612 |

# Children's Services Regulations 2009

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| Regulation | Summary Description | Penalty Units | Penalty at 1 July 2018 |
| r28(2) | Enrolment and other documents - children's service proprietor to ensure accurate records | 10 | $1,612 |
| r29(1) | Attendance record kept by proprietor of a children's service - must record name of child and time arrives and departs | 8 | $1,290 |
| r29(2) | Attendance record kept by proprietor of a children's service - must be signed by person who delivers or collects child or staff member | 8 | $1,290 |
| r31 | Child enrolment records-general | 10 | $1,612 |
| r35(1) | Confidentiality of child enrolment records | 10 | $1,612 |
| r36(1) | Matters to be recorded in medication record | 8 | $1,290 |
| r37(1) | Matters to be recorded in accident, injury, trauma and illness record | 8 | $1,290 |
| r38(1) | Matters to be recorded in staff record | 5 | $806 |
| r40(1) | Information to be displayed at children's service | 5 | $806 |
| r41 | Information to be made available at children's service | 5 | $806 |
| r42 | Notice of changes to information | 2 | $322 |
| Regulation | **Summary Description** | **Penalty Units** | **Penalty at 1 July 2018** |
| r43 | Information to be available - anaphylaxis management policy | 5 | $806 |
| r44 | Information to be available - accident, injury, trauma and illness record | 5 | $806 |
| r50 | Minimum staff requirements | 10 | $1,612 |
| r51(2) | Minimum staff requirements - certain school holidays care services | 8 | $1,290 |
| r52(1) | Minimum hours of teaching staff - services educating and caring for 25 or more children | 10 | $1,612 |
| r52A(2) | Minimum hours of teaching staff - services educating and caring for fewer than 25 children | 10 | $1,612 |
| r60 | Minimum training | 10 | $1,612 |
| r63(1) | Staff members to have first aid and anaphylaxis management training | 10 | $1,612 |
| r65(1) | Adrenaline auto-injection device and CPR training | 10 | $1,612 |
| r67(2) | Anaphylaxis training where child diagnosed as at risk | 10 | $1,612 |
| r68(1) | Health of staff members - does not adversely affect ability to care for or educate/not adversely affected by alcohol, drugs or any other deleterious substances | 10 | $1,612 |
| r68(4) | Health of staff members - alcohol and drugs not consumed on premises | 10 | $1,612 |
| r70(1) | Assessment notices - current assessment notice read prior to staff engagement | 10 | $1,612 |
| r70(3) | Assessment notices - current assessment notice of volunteer read before volunteering at the children's service | 10 | $1,612 |
| r70(4) | Assessment notices - read current assessment notice of each early childhood intervention worker | 10 | $1,612 |
| r70(8) | Assessment notices - information in notice not divulged | 10 | $1,612 |
| r70A(1) | Assessment notices - approved associated children's service - current assessment notice read prior to staff engagement | 10 | $1,612 |
| r70A(2) | Assessment notices - approved associated children's service - current assessment notice of volunteer read before volunteering at the children's service | 10 | $1,612 |
| r70A(3) | Assessment notices - approved associated children's service - read current assessment notice of each early childhood intervention worker | 10 | $1,612 |
| r70A(8) | Assessment notices - approved associated children's service - information in notice not divulged | 10 | $1,612 |
| r71 | Access to the premises | 8 | $1,290 |
| r72(1) | Collection of children | 10 | $1,612 |
| r73(1) | Authorisation for removal of child by staff member | 8 | $1,290 |
| r74(4) | Additional requirements where child removed by staff member | 8 | $1,290 |
| r76(1) | Emergency procedures | 10 | $1,612 |
| r77(1) | Communication equipment | 5 | $806 |
| r78(1) | Personal hygiene needs of children attended to | 10 | $1,612 |
| Regulation | **Summary Description** | **Penalty Units** | **Penalty at 1 July 2018** |
| r78(2) | Personal hygiene needs of children attended to - no common use of personal items | 8 | $1,290 |
| r79(1) | Water to be available | 8 | $1,290 |
| r80(1) | Food and beverage requirements | 8 | $1,290 |
| r81(1) | Food provided by the children's service | 8 | $1,290 |
| r82(1) | Smoke-free environment | 10 | $1,612 |
| r84(1) | First aid kit - supply and maintain | 10 | $1,612 |
| r84(2) | First aid kit - recognisable and accessible to staff; inaccessible to children | 5 | $806 |
| r84(3) | First aid kit - anaphylaxis medication - storage away from heat, recognisable and accessible to staff, and inaccessible to children | 5 | $806 |
| r86(1) | Provision of first aid - proprietor of a children's service to ensure appropriate first aid | 10 | $1,612 |
| r86(2) | Provision of first aid - staff member of a children's service to ensure appropriate first aid | 10 | $1,612 |
| r88(2) | Sick or injured child - parent or guardian notified | 8 | $1,290 |
| r88(3) | Sick or injured child - child removed if necessary | 5 | $806 |
| r89(1) | Notification of infectious disease | 5 | $806 |
| r91 | Parents to be notified of a serious incident | 8 | $1,290 |
| r95(1) | Children's rooms - a licensee must provide a children's room at the children's service | 10 | $1,612 |
| r95(2) | Children's rooms - 2 rooms if children under 3 (except limited hours or short term service) | 10 | $1,612 |
| r95(3) | Children's rooms - adequate natural light (except limited hours Type 1 or short term Type 2 service) | 10 | $1,612 |
| r95A(1) | Children's rooms - approved associated children's services - an approved provider must provide a children's room at the children's service | 10 | $1,612 |
| r95A(2) | Children's rooms - approved associated children's services - children under 3 - an approved provider must provide at least 2 rooms (except if approved associated service is a limited hours or short term service) | 10 | $1,612 |
| r95A(3) | Children's rooms - approved associated children's services - adequate natural light - an approved provider must ensure (except for an approved associated service that is a limited hours Type 1 or short term Type 2 service) | 10 | $1,612 |
| r96(1) | Area of children's rooms | 10 | $1,612 |
| r96(1A) | Area of children's rooms - approved associated children's service | 10 | $1,612 |
| r97(1) | Outdoor space | 10 | $1,612 |
| r97(1A) | Outdoor space - approved associated children's service | 10 | $1,612 |
| r98(1) | Outdoor space - school holidays care services | 10 | $1,612 |
| r98(1A) | Outdoor space - approved associated children's service that is a school holidays care service | 10 | $1,612 |
| Regulation | **Summary Description** | **Penalty Units** | **Penalty at 1 July 2018** |
| r99(1) | Fencing | 10 | $1,612 |
| r99(1A) | Fencing - approved associated children's service | 10 | $1,612 |
| r100(1) | Administration room | 2 | $322 |
| r100(2) | Administration room - approved associated children's service | 2 | $322 |
| r101(1) | Toilet and washing facilities | 5 | $806 |
| r101(2) | Toilet and washing facilities - approved associated children's service | 5 | $806 |
| r102(1) | Nappy changing facilities | 8 | $1,290 |
| r102(2) | Nappy changing facilities - approved associated children's service | 8 | $1,290 |
| r103(1) | Sleep and rest facilities - other than a school holidays care service | 8 | $1,290 |
| r103(1A) | Sleep and rest facilities - approved associated children's service other than a school holidays care service | 8 | $1,290 |
| r104(1) | Food preparation facilities | 8 | $1,290 |
| r104(2) | Food preparation facilities - approved associated children's service | 8 | $1,290 |
| r105(1) | Complaints - deal with and respond to | 8 | $1,290 |
| r105(2) | Complaints - notify Secretary | 8 | $1,290 |
| r106 | Act and Regulations to be available | 2 | $322 |