



Nominated Supervisor

Law section 167 Offence relating to protection of children from harm and hazards

(1) & (2) The approved provider and nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury. Penalty: \$10 000, in the case of an individual. \$50 000, in any other case.

Regulation 103 Premises, furniture and equipment to be safe, clean and in good repair

(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair. Penalty: \$2000.

Note. A compliance direction may be issued for failure to comply with this regulation.

Remember: If you need to use a checklist go to the members area of Centre Support's website where every checklist imaginable is available.


centresupport.com.au/checklist-for-members/

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Checklist for Nominated Supervisors
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Checklist for Educators
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Week 19, 21 June - 25 June 2021- 3.1.2 Upkeep

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Answers from last week - Compliance test for educators

Instructions: Nominated Supervisor is to conduct the test. Ask one educator at a time in a location that other educators cannot hear or provide support to the educators being asked the question. Record the responses then analyse to see if the educators' responses would place you at risk of a fine. Finally, train the educators that fail to meet the regulations.

Name of educator:

| Questions | Response | Pass or Fail |
|---|---|--------------|
| Miss Shanti says the physical environment is the Approved Provider's responsibility. Are there any regs about the physical environment that educators need comply with? | Yes. Reg 110 says spaces used by children must be well ventilated, have enough natural light and be maintained at a safe and comfortable temperature. Educators need to think about the way they use heating/cooling, blinds/curtains and how they allow for fresh air. | |
| Mr Josh says Reg 104 'Fencing' has nothing to do with educators. Do you agree? | No. Reg 104 does not apply to OSHC services (unless they have children under preschool age) – but most services have a fence to assist with the supervision and safety of children. Educators need to ensure children stay within the service grounds unless they're being adequately supervised on an authorised outing outside the grounds. | |
| Miss Leah says she heard another staff member talk with a family about a sensitive matter. What should have happened? | Reg 111 says the service must have an area where staff can consult with parents and have private conversations. The staff member should have used this space. | |

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| Miss Amal asked where it talks about maintenance in the Regs. What's the answer? | | |
| Mr Jake asks how educators are supposed to comply with Reg 103 Premises, furniture and equipment to be safe, clean and in good repair. How do you respond? | | |
| Miss Miriam asks if there's anything in the National Law about cleaning and maintenance? Is there? | | |

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Systems are in place to manage risk and enable the effective management and operation of a quality service.

The Federal Government's Fair Work website <https://www.fairwork.gov.au/> has a lot of simple, easy to understand information about employee entitlements as well as some useful templates. Each week we'll share information from the website. This week we're looking at the recent Annual Wage Review.

The Fair Work Act requires the Fair Work Commission to complete a review of the national minimum wage (NMW) and modern award minimum wages in each financial year. On 16th June 2021, the Commission issued its Decision that wages under the Children's Services Award and the Educational Services (Teachers) Award will increase by 2.5% with effect from 1 July 2021.

Here are some extracts from a [Summary of the Decision](#):

- "... it is appropriate to increase the national Minimum Wage (NMW). Having regard to the proposed NMW and the other relevant considerations, ...it is appropriate to adjust modern award minimum wages" (CI 20)
- "...awarding an increase which is less than increases in prices and living costs would amount to a real wage cut" (CI 22)
- "...the 0.5 percentage point increase in the Superannuation Guarantee rate (has been taken) into account in determining the level of increase ... (CI 24)
- "Taken overall, the change in circumstances—the markedly better economic environment, the scheduled SG increase ... weigh in favour of a higher increase than ...in last year's Review" (CI 25)
- "The proposed NMW and the relevant statutory considerations led the Panel to increase modern award minimum wages by 2.5 per cent" (CI 27).

In the more detailed [Annual Wage Review 2020-21](#) the Commission discussed how Award increases were staggered in 2020 depending on which of 3 Groups they were categorised in. In the Decision it was noted "The modern awards in Group 1 covered industries which were less affected by the pandemic than those... in Groups 2 and 3. These included ...awards applying to ...teachers and childcare workers ... The majority was *not* satisfied that there were exceptional circumstances justifying the variation determinations in respect of these modern awards coming into operation on a day later than 1 July 2020" (CI 184).

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