



Nominated Supervisor

Law section 175 Offence relating to requirement to keep enrolment and other documents

(1) An approved provider ... must keep the prescribed documents available for inspection by an authorised officer in accordance with this section. Penalty: \$4000, in the case of an individual. \$20 000, in any other case.

(2) Documents referred to in subsection (1)—

(a) must, to the extent practicable, be kept at the education and care service premises if they relate to—

(i) the operation of the service; or

(ii) any staff member employed or engaged by the service; or

(iii) any child cared for, or educated at, those premises— in the previous 12 months; and

(b) in any other case, must be kept at a place, and in a manner, that they are readily accessible by an authorised officer.

Note prescribed documents are those in Regulation 177 ‘Prescribed enrolment and other documents to be kept by approved provider.’

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

The screenshot shows the Centre Support website interface. At the top, there is a navigation bar with the Centre Support logo and a 'Book Now' button. Below the navigation bar, there is a breadcrumb trail: 'Home > Checklist for Members'. The main content area features two large green buttons with icons of a person reading a document. The left button is labeled 'Checklist for Nominated Supervisors Click here' and the right button is labeled 'Checklist for Educators Click here'. Below these buttons, there is a section titled 'Checklist for Nominated Supervisors' with a list of three checklist items: 'Access and Participation Nominated Supervisor', 'Business Safety and Hygiene Nominated Supervisor', and 'Behaviour Management Nominated Supervisor'.

Week 17, 6 June – 10 June 2022 – 6.1.3 Families are supported

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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 Faith says sometimes the National Law uses the word 'prescribed' eg 'prescribed documents.' She asks what this means. Please explain.		
Mr Jordan asks why Law section 175' Offence relating to requirement to keep enrolment and other documents' is relevant for element 6.1.3 Families are supported. Why do you think it is?		
Miss Thando asks if element 6.1.3 relates in any way to implementing MTOP. What do you think?		

Name of educator:

Questions	Response	Pass or Fail
Miss Faith says sometimes the National Law uses the word 'prescribed' eg 'prescribed documents.' She asks what this means. Please explain.		
Mr Jordan asks why Law section 175' Offence relating to requirement to keep enrolment and other documents' is relevant for element 6.1.3 Families are supported. Why do you think it is?		
Miss Thando asks if element 6.1.3 relates in any way to implementing MTOP. What do you think?		

Week 17, 6 June – 10 June 2022 – 6.1.3 Families are supported

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Answers from last week - Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Julie asks what paperwork they need to do before taking children on an excursion. Please respond.	A risk assessment needs to be completed (Reg 101) and authorisation obtained from parents, or someone parents have authorised on the enrolment form (Reg 102). These should be completed using a template so the things that need to be included in each are always covered.	
Mr Tommy asks if they need to do a risk assessment and get authorisation each time go to the same place. Do they?	No if: <ul style="list-style-type: none"> the risks haven't substantially changed a risk assessment has been completed in the previous 12 months an authorisation has been obtained within the last 12 months 	
Miss Billie says there are new transport regs they need to implement if they go on excursions. Is she correct?	No. The transport Regs 102A to 102D apply to transport arrangements for children other than as part of an excursion.	

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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 [Rest Breaks and Meal Breaks](#).

Under the [Children's Services Award](#) (clause 22):

A **rest break** is a 10 minute paid break that counts as time worked, and employees get:

- 1 paid break if they work 4 hours or more
- 2 paid breaks if they work 7 hours or more

Employees can choose to only have 1 rest break.

All rest breaks must be uninterrupted.

A **meal break** is an uninterrupted 30 - 60 minute unpaid break that doesn't count as time worked.

Employees get 1 meal break if they work more than 5 hours. They can't be asked to work more than 5 hours without a meal break. Employees can choose to not have a meal break if they're working less than 6 hours.

If an employee's meal break is interrupted by their employer, they must be paid the relevant overtime payment for the time they work until an uninterrupted meal break is taken. The minimum overtime payment is 15 minutes.

If employees are required to remain on the premises during meal breaks, they're entitled to a paid meal break of 20 – 30 minutes which is counted as time worked – unless the employer agrees they can leave the premises during this time. In this case it's not paid or counted as time worked.

Meal break provisions also apply under the [Education Services \(Teachers\) Award](#). See Clauses 16 and A.3.1.