



Nominated Supervisor

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

(1) & (2) The approved ...and nominated supervisor must ensure that every reasonable precaution is taken to protect children ... 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 106 Laundry and Hygiene facilities

(1) The approved provider ... must ensure that the service has—

- (a) laundry facilities or access to laundry facilities; or
- (b) other arrangements for dealing with soiled clothing, ... and linen, including hygienic facilities for storage prior to their disposal or laundering that are adequate and appropriate for the needs of the service.

(2) The approved provider ... must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.

Note. A compliance direction may be issued for failure to comply with subregulation (1) or (2)

Regulation 107 Space requirements indoor

(2) The approved provider ... must ensure that, for each childthe ... premises has at least 3.25 square metres of unencumbered indoor space.

Penalty: \$2000.

(3) In calculating the area of unencumbered indoor space—

- (a) the following areas are to be excluded—
 - (i) any passageway or thoroughfare (including door swings);
 - (ii) any toilet and hygiene facilities;
 - (iii) any nappy changing area or area for preparing bottles;
 - (iv) any area permanently set aside for the use or storage of cots;
 - (v) any area permanently set aside for storage;
 - (vi) any area or room for staff or administration;
 - (vii) any other space that is not suitable for children;

(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.

(4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.

(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.

(6) In this regulation a reference to a child does not include—

- (a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or
- (b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).

Note A compliance direction may be issued for failure to comply with subregulation (2).

Regulation 108 Space requirements outdoor

The approved providermust ensure that, for each child ..the ... premises has at least 7 square metres of unencumbered outdoor space.

Penalty: \$2000.

(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—

- (a) any pathway or thoroughfare, except where used by children as part of the education and care program;
- (b) any car parking area;
- (c) any storage shed or other storage area;
- (d) any other space that is not suitable for children.

(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.

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(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if—

- (a) the Regulatory Authority has given written approval; and
- (b) that indoor space has not been included in calculating the indoor space under regulation 107.

(6) In this regulation a reference to a child does not include—

- (a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or
- (b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).

Note A compliance direction may be issued for failure to comply with subregulation (2).

Regulation 109 Toilet and hygiene facilities

The approved provider ... must ensure that—

- (a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and
- (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Regulation 110 Ventilation and natural light

The approved provider ... must ensure that the indoor spaces used by children ...—

- (a) are well ventilated; and
- (b) have adequate natural light; and
- (c) are maintained at a temperature that ensures the safety and wellbeing of children.

Penalty: \$2000. Note. A compliance direction may be issued for failure to comply with this regulation.

Regulation 111 Administrative space

The approved provider ... must ensure that an adequate area or areas are available ... for the purposes of—

- (a) conducting the administrative functions of the service; and
- (b) consulting with parents of children; and
- (c) conducting private conversations.

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

Regulation 114 Outdoor space – shade

The Approved Provider ... must ensure that outdoor spaces ... include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Penalty: \$1000. Note A compliance direction may be issued for failure to comply with this regulation.

Regulation 115 Premises designed to facilitate supervision

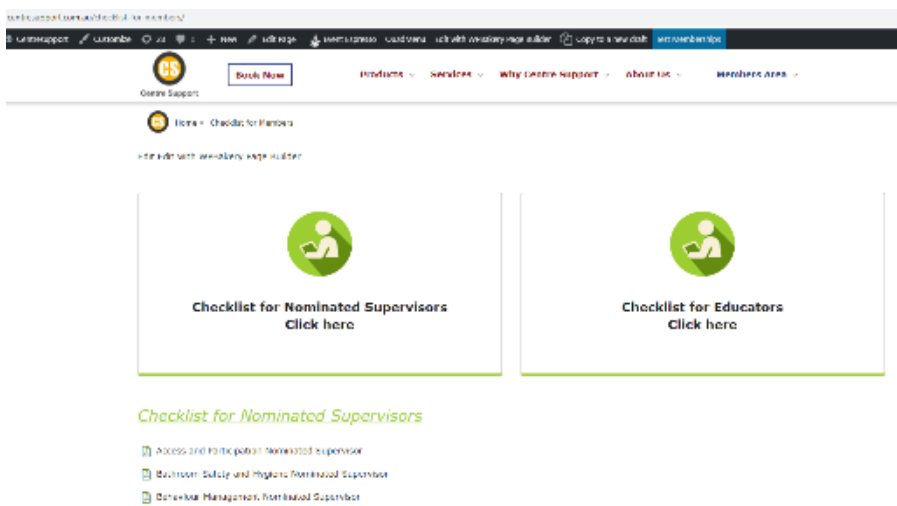
The approved provider ... must ensure that the ... premises (including toilets ...) are designed and maintained in a way that facilitates supervision of children at all times ..., having regard to the need to maintain the rights and dignity of the children.

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

TAS Only Regulation 345 Swimming Pool prohibition

The approved provider ... must ensure that there is no swimming pool on the ... premises.

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



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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 Angelique said there's no compliance issues educators need to know about for element 3.1.1 because it's all down to the Approved Provider designing and resourcing the service properly. Is she correct?		
Mr Jason says all the Regs about what facilities the service must have aren't relevant for educators. Do you agree? Please explain why.		

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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 Alana asked if there were any Regs covering Element 1.2.2 Responsive teaching and scaffolding. Are there?	Responsive teaching and scaffolding practices contribute to the five required learning outcomes listed in Reg 73 Educational program (same outcomes as those in MTOP).	
Mr Nick asks what scaffolding learning means. Please explain.	MTOP defines 'scaffold' as <i>"the educators' decisions and actions that build on children's existing knowledge and skills to enhance their learning."</i>	
Miss Peta asks if responsive teaching is the same as intentional teaching (element 1.2.1). Is it?	It can be – but intentional teaching may not always be in response to children's ideas or play eg educators may intentionally be teaching children about road safety, or child safety.	



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 [record keeping requirements](#).

Employers have to keep time and wages records for 7 years. They can't be false or misleading, or changed unless the change is to correct an error. They also have to be readily accessible to a Fair Work Inspector, legible and in English. Employers are required to keep extra records for employees paid an annual wage under an award:

General

- employer's and employee's name
- employer's ABN (if any)
- employee's commencement date
- whether the employee is full-time, part time, or casual
- whether the employee is permanent or temporary.

Pay

- pay rate paid to the employee
- gross and net amounts paid
- any deductions from the gross amount
- details of any incentive-based payment, bonus, loading, penalty rate, or other monetary allowance or separately identifiable entitlement paid.

Hours of work

- any penalty rates or loadings paid to employees for overtime hours worked including:
 - the number of overtime hours worked by an employee during the day
 - when the employee started and finished the overtime hours
- the hours an employee works if the employee is a casual or irregular part-time employee who is paid based on time worked
- a copy of the written agreement if an employer and employee have agreed to an averaging of the employee's work hours.

Leave

- any leave taken
- how much leave an employee has.

If an employee is able to cash out annual leave, the employer has to keep:

- a copy of the agreement to cash out the amount of leave
- a record of how much was paid, the amount of leave cashed out and when the payment was made.

If an employer agrees for an employee to take annual leave in advance, the employer has to keep a copy of the agreement which must say the amount of leave taken and the day the leave starts.

Superannuation contributions

- amount paid
- pay period
- date(s) paid
- name of super fund

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- reason the employer paid into the fund (eg a record of the employee's super fund choice and the date they made that choice).

Individual flexibility agreements

If an employer and employee agree to an individual flexibility agreement under an award or registered agreement, a record must include:

- a copy of the written agreement
- a copy of any notice or agreement to terminate the flexibility agreement.

Guarantee of annual earnings

- the guarantee
- the date the guarantee was cancelled (where applicable).

Ending employment

- how the employment was terminated eg by agreement, summarily, or in some other way (specifying details)
- if notice was provided and, if so, how much
- the name of the person who terminated the employment.

Fair Work has free templates for:

- [pay slips](#)
- [timesheets](#)
- [annual leave](#).

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