



## Nominated Supervisor

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

(1) & (2) The approved provider and nominated supervisor ... must ensure that every reasonable precaution is taken to protect children being educated and cared for ... 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 ... must ensure that the ... 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.

The screenshot shows the 'Members Area' of the Centre Support website. At the top, there is a navigation bar with a 'Book Now' button and several menu items: 'Home', 'Checklist for Members', 'Home - Checklist for Members', and 'Home - Checklist for Members'. Below the navigation bar, there are two large green buttons with icons of a person reading. 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
- Behaviour Management Nominated Supervisor

### Week 23, 1 August – 5 August 2022 – 3.1.2 Upkeep

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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 Bri asks what educators should do to comply with Regulation 103 Premises, furniture and equipment to be safe, clean and in good repair. Please provide some examples.		
Mr Nate asks if there's anything in the law that applies to Reg 103 Premises, furniture and equipment to be safe, clean and in good repair. Is there?		

Name of educator:

Questions	Response	Pass or Fail
Miss Bri asks what educators should do to comply with Regulation 103 Premises, furniture and equipment to be safe, clean and in good repair. Please provide some examples.		
Mr Nate asks if there's anything in the law that applies to Reg 103 Premises, furniture and equipment to be safe, clean and in good repair. Is there?		

Questions	Response	Pass or Fail
Miss Bri asks what educators should do to comply with Regulation 103 Premises, furniture and equipment to be safe, clean and in good repair. Please provide some examples.		
Mr Nate asks if there's anything in the law that applies to Reg 103 Premises, furniture and equipment to be safe, clean and in good repair. Is there?		

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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 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?	No. The Approved provider must provide appropriate premises, furniture and equipment, but educators must also ensure, for example, that: <ul style="list-style-type: none"> <li>• they maintain any laundry in a hygienic and safe way (Reg 106)</li> <li>• spaces are well ventilated and kept at comfortable temperature (Reg 110)</li> <li>• they conduct private conversations with families in spaces that afford confidentiality (Reg 111)</li> <li>• children can't access nappy change facilities without supervision (Reg 112)</li> <li>• children's outdoor activities/play is organised in shaded areas where the UV index is 3 or above (Reg 114 and Sun Safety Policy).</li> </ul>	
Mr Jason says all the Regs about what facilities the service must have aren't relevant for educators. Do you agree? Please explain why.	No. For example: <ul style="list-style-type: none"> <li>• there must be fencing that children preschool age and under can't get through (Reg 104). Educators should also ensure, for example, nothing gets pushed up against the fence which would allow children to climb over it</li> <li>• the premises must facilitate supervision by educators. Educators should ensure their actions don't hinder supervision eg blocking windows, placement of equipment and resources.</li> </ul>	

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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 reviewing [Fairwork's Hiring Guide](#). While the information is not tailored to ECEC, it will help ensure you meet Australian laws. For example, there is information about:

- discrimination
- employment types (eg full-time, part-time, casual)
- minimum pay rates
- employee entitlements
- tax and super.

Other guidance includes a free online course about the hiring process available from the [Online Learning Centre](#), and the Federal Government's:

- [Employment Contract Tool](#) which can help build an employment contract tailored to your needs
- [Hiring Employees Checklist](#).

Note Centre Support has a HR Toolkit which includes ECEC specific positions descriptions, core values, induction templates and staff appraisals. Email us at [admin@centresupport.com.au](mailto:admin@centresupport.com.au) for a quote.