



Nominated Supervisor

Law section 166 Offence to use inappropriate discipline

(1) & (2) The approved provider and nominated supervisor... must ensure that no child ... is subjected to —
(a) any form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances.
Penalty: \$10 000, in the case of an individual. \$50 000, in any other case.

(3) A **staff member of, or a volunteer** ... must not subject any child ... to—
(a) any form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances.
Penalty: **\$10 000.**

Regulation 155 Interactions with children

An approved provider must take reasonable steps to ensure that the ... service provides education and care to children in a way that—

- (a) encourages the children to express themselves and their opinions; and
- (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and
- (c) maintains at all times the dignity and rights of each child; and
- (d) gives each child positive guidance and encouragement toward acceptable behaviour; and
- (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child

Regulation 156 Relationships in groups

- (1) The approved provider ... must take reasonable steps to ensure that the service provides children ... with opportunities to interact and develop respectful and positive relationships with each other and with staff members of, and volunteers at, the service.
- (2) For the purposes of subregulation (1), the approved provider must have regard to the size and the composition of the groups in which children are being educated and cared for by the service.

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's 'Members Area'. At the top, there is a navigation bar with a 'Book Now' button and links for 'Products', 'Services', 'Why Centre Support', 'About Us', and 'Members Area'. Below the navigation bar, there is a 'Home - Checklist for Members' section. Two large green buttons are displayed, each with a person icon and the text 'Checklist for Nominated Supervisors Click here' and 'Checklist for Educators Click here'. Below these buttons, there is a section titled 'Checklist for Nominated Supervisors' with a list of links: 'Access and Participation Nominated Supervisor', 'Bathroom Safety and Hygiene Nominated Supervisor', and 'Behaviour Management Nominated Supervisor'.

Week 24, 8 August – 12 June 2022 - 5.2.2 Self-regulation

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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 Ashlee says she was told she can be fined \$10,000 if she uses corporal punishment or unreasonably disciplines a child. Is this correct? | | |
| Mr Monzir asks if guiding children's behaviour is covered in the Regs. Is it? | | |
| Miss Kate's been told Reg 156 Relationships in Groups is relevant in terms of element 5.2.2 self-regulation. Is it? | | |

Name of educator:

| Questions | Response | Pass or Fail |
|---|----------|--------------|
| Miss Ashlee says she was told she can be fined \$10,000 if she uses corporal punishment or unreasonably disciplines a child. Is this correct? | | |
| Mr Monzir asks if guiding children's behaviour is covered in the Regs. Is it? | | |
| Miss Kate's been told Reg 156 Relationships in Groups is relevant in terms of element 5.2.2 self-regulation. Is it? | | |

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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 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. | Educators should: <ul style="list-style-type: none"> • advise leaders/managers if they identify things that are broken, unsafe or dirty - and they can't satisfactorily clean it • know, understand and follow: <ul style="list-style-type: none"> ○ cleaning and maintenance schedules and procedures ○ procedures for handling and storage of hazardous products • immediately remove or block access to items that pose a danger to children • immediately clean up spills of urine, blood, faeces, vomit • complete risk assessments before using new potentially dangerous equipment or implementing potentially dangerous activities • teach children how to use new equipment • implement exclusion periods as outlined in Infectious Diseases Policy | |
| 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? | Yes, Law section 167 Offence relating to protection of children from harm and hazards is relevant. | |

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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 [Deducting Pay and Overpayments](#).

Taking money out of an employee's pay before it's paid to them is called a deduction.

An employer can only deduct money if the employee agrees in writing and it's mainly for their benefit, and it's allowed by a law, court order, Fair Work Commission, under the employee's award, or under the employee's registered agreement and the employee agrees.

Examples include salary sacrifice arrangements or extra payments into an employee's super fund.

Deductions must be shown on the employee's pay slip and time and wages records.

Even if a deduction is authorised, an employer can't deduct money if:

- it benefits the employer directly or indirectly *and* is unreasonable in the circumstances or
- the employee is under 18 and their parent/ guardian hasn't agreed in writing.

Examples of reasonable deductions include:

- for goods or services provided to an employee by the employer's business (if employees do not pay more than the general public)
- to recover costs directly incurred from an employee's private use of the employer's property eg the cost of:
 - personal items bought with a work credit card
 - personal calls on a work mobile phone
 - petrol for the private use of a work car by an employee.

Note where notice of termination is not given, and an employer is authorised to deduct wages from the employee's pay, the wages can only be deducted from wages owed, not accumulated leave entitlements or other overaward payments.

In the case of accidental overpayments to employees, employers can't take money out of the employer's pay. The employer and employee should agree on a repayment arrangement, and a written agreement made setting out:

- the reason for the overpayment
- the amount of money overpaid
- the frequency of repayments (must be reasonable) and how they'll be paid (eg EFT).

If repayments can't be agreed the employer should get legal advice.