



Nominated Supervisor

Law section 51(1)(a) Conditions on service approval (safety, health and wellbeing of children)

A service approval is granted subject to the condition that the ... service is operated in a way that ensures the safety, health and wellbeing of the children ...

Regulation 97 Emergency and evacuation procedures

The emergency and evacuation procedures required under regulation 168 must set out—

- (a) instructions for what must be done in the event of an emergency; and
 - (b) an emergency and evacuation floor plan.
- (2) For the purposes of preparing the emergency and evacuation procedures, the approved provider ... must ensure that a risk assessment is conducted to identify potential emergencies ... relevant to the service. Penalty: \$2000.
- (3) The approved provider ... must ensure that—
- (a) ... the emergency and evacuation procedures are rehearsed every 3 months by the staff members, volunteers and children present at the service on the day of the rehearsal and the responsible person in relation to the service who is present at the time of the rehearsal; and
 - (b) the rehearsals of the emergency and evacuation procedures are documented. Penalty: \$2000.
- (4) The approved provider ... must ensure that a copy of the emergency and evacuation floor plan and

instructions are displayed in a prominent position near each exit at the ... service premises.. Penalty: \$2000.

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

Regulation 98 Telephone or other communication equipment

The approved provider ... must ensure that, when educating or caring for children ..., nominated supervisors and staff members ... have ready access to an operating telephone or other similar means of communication to enable immediate communication to and from parents and emergency services. Penalty: \$1000.

Example Fixed-line telephone, mobile phone, satellite phone, 2-way radio, video conferencing equipment.

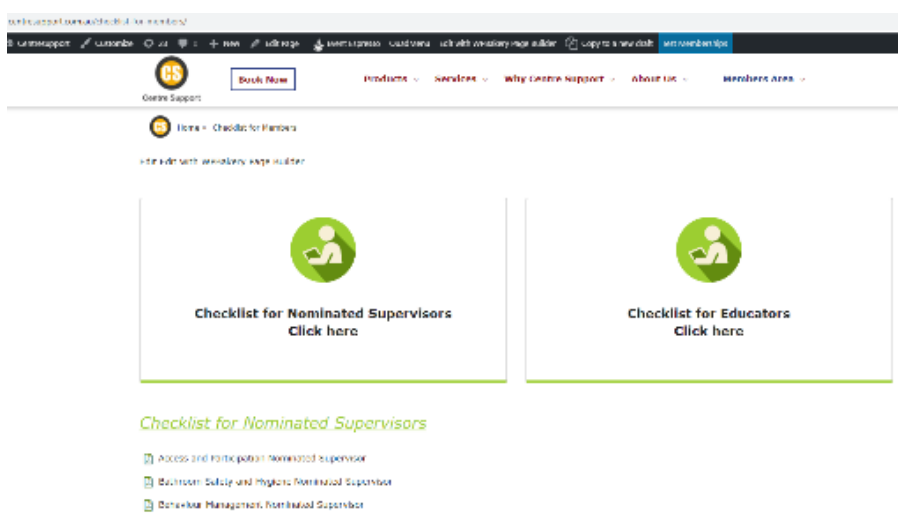
Note A compliance direction may be issued for failure to comply with this regulation.

Regulation 168 Education and care service must have policies and procedures

Policies and procedures are required in relation to the following

- (e) emergency and evacuation, including the matters set out in Regulation 97

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



Week 35, 7 November - 11 November 2022 – 2.2.2 Incident and emergency management

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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 Courtney is a new room/group leader. She suggests copying the emergency risk assessment from her previous centre. Is this a good idea?		
Miss Chelsea asks whether emergency evacuation plans need to be displayed, and if so where abouts? Please respond.		
Mr Mo says the risk assessment identifies 15 potential emergency situations. Does this mean they need to rehearse 15 different emergency procedures? Please respond.		
Approved Provider Pippa says she's familiar with all emergency responses and is too busy to participate in emergency rehearsals if they happen to occur when she's there. What would you say to her?		

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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 Millie says it's okay to swap apple for pear at afternoon tea time because all the apples are bruised. Is it okay?	Yes but the menu must be changed if it specifies apples for afternoon, and families advised and able to see the amended menu – Reg 80 says a weekly menu that accurately describes the food and beverages provided must be displayed. The NQF Guide says "if the menu is changed, notification is displayed for families so that they are informed of their children's meals that day."(page 161)	
Mr Sam says they should get the one family whose child requires halal food to provide it themselves. Do you think this would be okay?	No, because if the service is providing food they should be able to meet any specific cultural, religious or health requirements children may have (Reg 79). Also requiring one family only to supply food is not consistent with operating an inclusive service which promotes diversity or a sense of belonging for all (elements 6.2.2 and 6.2.3)	
Miss Chelsea says they should be more flexible when children are hungry, and provide food outside set meal or snack times? What do you think?	Yes they should. This is an expectation related to Reg 78 eg the Guide to the NQF says assessors may observe children who are hungry being provided with food outside of routine meal and snack times. (p 159)	
Mr Hamid says each service has to have a water fountain. Is he correct?	No. Reg 78 says children must have access to safe drinking water at all times – not how the water must be provided.	

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This week we're looking at [employer obligations when returning to work after an illness or injury](#) ('Return to Work' programs). We've sourced information from the Australian Human Resource Institute.

When an employee is returning to work after an illness or injury the employer has certain obligations to fulfill. It's against the law to discriminate against someone whether the injury or illness happened at work or outside of work.

Where an employee is unfit for work due to an injury or illness following a failure of the employer's duty to provide a healthy and safe workplace, the employer should remedy the workplace situation as soon as practicable. The employer may need further information from the employee about their injury or illness. The employee has a duty to cooperate with the employer in providing this information.

The employer has the responsibility to provide suitable work (as far as reasonably practicable) when a worker is able to return to work. This should be the same as, or equivalent, to the work being performed at the time of injury or illness.

If an injured worker is likely to return to working full capacity in their previous role within a specified timeframe, the employer is required to work to these recovery timeframes. However, if an employee is unlikely to return working in their previous role in full capacity, the employer needs to set timeframes for alternative duties in line with relevant State or Territory compensation legislation. The employer needs to give the worker 'reasonable' workplace adjustments or other workplace proposals before considering termination.

The Commonwealth *Disability Discrimination Act 1992* is also relevant. (*We covered this Act in Week 27*). Under the Act an adjustment is considered reasonable unless it causes unjustifiable hardship to the employer eg significant financial cost, building renovations that aren't possible due to council restrictions. Some examples of reasonable adjustments include:

- flexible working hours which enable the employee to have time off to keep appointments with healthcare practitioners
- shift or location changes
- adjusting the environment or the workspace if possible
- establishing goals, prompts, reminders and checklists to help the employee with time-management
- reducing workload or specific tasks
- providing access to professional mentoring, coaching or on the job peer support
- ensuring employee doesn't return to a backlog of work or emails
- identifying and modifying tasks the employee may initially find stressful or overwhelming.

Safe Work has just released a [Guide](#) for supervisors to help manage the relationship with an injured or ill working during four key stages of the return to work process:









1. When the worker is first injured or falls ill

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2. While they are away from work
3. As they prepare to return to work
4. When they return to work.

See below for state/territory legislation and workers' compensation authorities. These websites also contain information about return to work obligations.

- Australian Capital Territory: [WorkSafe ACT](#) 
Workers Compensation Act 1951
Workers Compensation Regulation 2002
- New South Wales: [State Insurance Regulatory Authority \(NSW\)](#) 
Workers Compensation Act 1987
Workplace Injury Management and Workers Compensation Act 1998
Workers Compensation Regulation 2016
- Northern Territory: [NT WorkSafe](#) 
Return to Work Act 1986
Return to Work Regulations 1986
- Queensland: [WorkCover Queensland](#) 
Workers' Compensation and Rehabilitation Act 2003
Workers' Compensation and Rehabilitation Regulation 2014
- South Australia: [ReturnToWork SA](#) 
Return to Work Act 2014
Return to Work Regulations 2015
- Tasmania: [WorkCover Tasmania](#) 
Workers Rehabilitation and Compensation Act 1988
Workers Rehabilitation and Compensation Regulations 2021
- Victoria: [WorkSafe Victoria](#) 
Workers Compensation Act 1958
Workplace Injury and Rehabilitation Act 2013
Workplace Injury and Rehabilitation Regulations 2014
- Western Australia: [WorkCover WA](#) 
Workers Compensation and Injury Management Act 1981
Workers Compensation and Injury Management Regulations 1982

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