



# Approved provider

Compliance responsibilities under the  
National Law and National Regulations



Australian Children's  
Education & Care  
Quality Authority

# Approved provider compliance responsibilities under the National Law and National Regulations

In addition to regulatory authorities being able to prosecute or issue an infringement notice due to confirmed breaches of the National Law and/or National Regulations, regulatory authorities also have the power to give:

- Compliance notices under section 177 of the National Law in response to confirmed breaches of provisions of the National Law and/or National Regulations; and
- Compliance directions under section 178 of the National Law in response to confirmed breaches of the National Regulations.

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice

## QA1: Educational program and practice

<b>Section 168</b> Offence relating to required programs	<ul style="list-style-type: none"> <li>• The educational program is based on and delivered in line with an approved learning framework e.g. the Early Years Learning Framework</li> <li>• The educational program is based on the developmental needs, interests and experiences of each child and takes into account the individual differences of each child</li> </ul>	<input checked="" type="checkbox"/>  <b>\$4500</b> penalty for individuals  <b>\$22 900</b> in any other case	<input type="checkbox"/>
<b>Regulation 73</b> Educational program	<ul style="list-style-type: none"> <li>• The educational program contributes to each child’s sense of identity and wellbeing</li> <li>• The educational program supports each child to be connected with their world</li> <li>• The educational program supports each child to be a confident and involved learner and an effective communicator</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 74</b> Record of child assessments or evaluations for delivery of educational program (regulations 274A, 289A, 298A, 325B, 345A, 359A, *373A)</p>	<ul style="list-style-type: none"> <li>Assessments or evaluations are completed for children attending the service in line with the age-specific requirement in this regulation or the equivalent jurisdictional-specific regulation (for services in NSW, NT, Qld, SA, Tas, Vic, *WA). Documentation takes into account the period of time each child attends the service and how the documentation will be used by educators</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case if the documentation is not kept available for inspection (section 175)</p> <p><b>\$2200</b> penalty if documentation is not accurate (regulation 177)</p> <p><b>\$2200</b> penalty if documentation is not made available to the relevant child's parent on request (regulation 177)</p>	<p><input checked="" type="checkbox"/></p> <p>(regulation 177)</p> <p><b>\$220</b> fine for individuals</p> <p><b>\$1100</b> in any other case</p>

\* Please check the legislation for commencement dates in Western Australia

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 75</b> Information about educational program to be kept available</p>	<ul style="list-style-type: none"> <li>Information about the contents and operation of the educational program are displayed at the service premises in a place that is accessible to parents of children attending the service</li> <li>A copy of the educational program is available for inspection on request at each family day care residence or venue</li> </ul>	✘	✘
<p><b>Regulation 76</b> Information about educational program to be given to parents</p>	<ul style="list-style-type: none"> <li>Parents of children attending the service are provided with information about the educational program as it relates to their child if they request this information, including documentation of child assessments or evaluations kept under regulation 74</li> </ul>	✘	✘

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
		Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice

## QA2: Children’s health and safety

<p><b>Section 165</b> Offence to inadequately supervise children</p>	<ul style="list-style-type: none"> <li>All children being educated and cared for by the service are adequately supervised at all times that they are in the care of the service</li> </ul>	<input checked="" type="checkbox"/> <b>\$11 400</b> penalty for individuals <b>\$57 400</b> in any other case	<input type="checkbox"/>
<p><b>Section 167</b> Offence relating to protection of children from harm and hazards</p>	<ul style="list-style-type: none"> <li>Every reasonable precaution is taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury</li> </ul>	<input checked="" type="checkbox"/> <b>\$11 400</b> penalty for individuals <b>\$57 400</b> in any other case	<input type="checkbox"/>
<p><b>Section 170</b> Offence relating to unauthorised persons on education and care service premises</p>	<ul style="list-style-type: none"> <li>An unauthorised person (e.g. visitor) does not remain at the service premises while children are being educated and cared for unless the unauthorised person is under the direct supervision of an educator or other staff member of the service</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty for individuals <b>\$5700</b> in any other case	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal Penalty for failure to comply with this section or regulation	Issue infringement notice Maximum fine associated with infringement notice
<b>Section 171</b> Offence relating to direction to exclude inappropriate persons	<ul style="list-style-type: none"> <li>Any person deemed inappropriate by the regulatory authority is excluded from the service premises while children are being educated and cared for at the premises</li> </ul>	<input checked="" type="checkbox"/> <b>\$11 400</b> penalty for individuals <b>\$57 400</b> in any other case	<input type="checkbox"/>
<b>Regulation 77</b> Health, hygiene and safe food practices	<ul style="list-style-type: none"> <li>Adequate health and hygiene practices are implemented by all staff members and volunteers</li> <li>Safe practices for handling, preparing and storing food are implemented by all staff members and volunteers</li> <li>These requirements are to minimise risk to children</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for failure to comply with this regulation <b>\$220</b> fine for individuals
<b>Regulation 78</b> Food and beverages	<ul style="list-style-type: none"> <li>Children in attendance have access to safe drinking water at all times and are offered food and beverages regularly throughout the day</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 79</b> Service providing food and beverages</p> <p>Note: Only relates to services that provide food or beverages to children in attendance</p>	<ul style="list-style-type: none"> <li>Food and beverages are nutritious and adequate in quantity and take into account each child's growth and development needs and any cultural or health requirements</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<p><b>Regulation 80</b> Weekly menu</p> <p>Note: Only relates to services that provide food or beverages to children in attendance</p>	<ul style="list-style-type: none"> <li>A weekly menu is displayed at a place in the residence or venue that is accessible to parents of children in attendance</li> <li>The menu accurately describes the food and beverages that will be provided by the service each day</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input checked="" type="checkbox"/> <b>\$110</b> fine
<p><b>Regulation 82</b> Tobacco, drug and alcohol free environment</p>	<ul style="list-style-type: none"> <li>Children attending the service are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<p><b>Regulation 83</b> Staff members and family day care educators not to be affected by alcohol or drugs</p>	<ul style="list-style-type: none"> <li>The nominated supervisor and any staff member or volunteer is not affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care for children at the service</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for individuals

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal Penalty for failure to comply with this section or regulation	Issue infringement notice Maximum fine associated with infringement notice
<b>Regulation 84</b> Awareness of child protection law Note: child protection laws are jurisdiction-specific	<ul style="list-style-type: none"> <li>The nominated supervisor, any staff members, volunteers and students at the service who work with children are advised of the existence and application of the current child protection law and any obligations they have under this law</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input type="checkbox"/>
<b>Regulation 84A</b> Sleep and rest	<ul style="list-style-type: none"> <li>The needs for sleep and rest of children being educated and cared for by the service are met, having regard to the ages, development stages and individual needs of the children</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input type="checkbox"/>
<b>Regulation 84B</b> Sleep and rest policies and procedures	<ul style="list-style-type: none"> <li>The sleep and rest policies and procedures required under regulation 168(2)(a)(v) address prescribed matters in regulation 84B</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty if policies and procedures are not in place (regulation 168)	<input type="checkbox"/>
<b>Regulation 84C</b> Risk assessment for purposes of sleep and rest policies and procedures	<ul style="list-style-type: none"> <li>A sleep and rest risk assessment is conducted in accordance with regulation 84C and is conducted:-               <ul style="list-style-type: none"> <li>- at least once every 12 months; and</li> <li>- as soon as practicable after becoming aware of any circumstance that may affect the safety, health or wellbeing of children during sleep and rest.</li> </ul> </li> <li>approved provider must keep a record of each risk assessment conducted</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>



The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 85</b> Incident, injury, trauma and illness policies and procedures (regulation 168)</p>	<ul style="list-style-type: none"> <li>The service has in place a policy and procedures in relation to incident, injury, trauma and illness (regulation 168)</li> <li>This policy includes procedures to be followed by nominated supervisors, staff and volunteers at the service in the event that a child is injured, becomes ill or suffers a trauma</li> </ul>	<input checked="" type="checkbox"/>  <b>\$1100</b> penalty if the policy and procedures are not in place (regulation 168)	<input type="checkbox"/>
<p><b>Regulation 86</b> Notification to parents of incident, injury, trauma and illness</p>	<ul style="list-style-type: none"> <li>If a child is involved in any incident, injury, trauma or illness while the child is attending the service, a parent of the child is notified as soon as practicable and no later than 24 hours after the occurrence</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input checked="" type="checkbox"/>  <b>\$220</b> fine for failure to comply with this regulation
<p><b>Regulation 87</b> Incident, injury, trauma and illness record</p>	<ul style="list-style-type: none"> <li>Each family day care educator keeps an incident, injury, trauma or illness record in accordance with this regulation</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Regulation 88(1)</b> Infectious diseases</p>	<ul style="list-style-type: none"> <li>If there is an occurrence of infectious disease at the service, reasonable steps are taken to prevent the spread of infectious disease at the service</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input checked="" type="checkbox"/>  <b>\$220</b> fine for failure to comply with this regulation

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 88(3)</b> Infectious diseases	<ul style="list-style-type: none"> <li>If there is an occurrence of infectious disease at a residence or venue, a parent or authorised contact of each child being educated and cared for at the residence or venue is notified of the occurrence as soon as practicable</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty  <b>\$1100</b> penalty if a policy and procedures for managing infectious diseases are not in place at the service (regulation 168)	<input checked="" type="checkbox"/> <b>\$220</b> fine
<b>Regulation 89</b> First aid kits	<ul style="list-style-type: none"> <li>An appropriate number of first aid kits are kept with regard to the number of children being educated and cared for by the service</li> <li>These are suitably equipped, easily recognisable and readily accessible to adults</li> </ul> <p>Note: each educator in a family day care service must keep a first aid kit</p>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for failure to comply with this regulation

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
		Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 90</b> Medical conditions policy (regulation 168)</p>	<ul style="list-style-type: none"> <li>The service has in place a policy and procedures for dealing with medical conditions in children (regulation 168)</li> <li>The policy sets out practices in relation to the requirements outlined at regulation 90</li> </ul>	<input checked="" type="checkbox"/>  <b>\$1100</b> penalty if the policy and procedures are not in place (regulation 168)	<input type="checkbox"/>
<p><b>Regulation 91</b> Medical conditions policy to be provided to parents</p>	<ul style="list-style-type: none"> <li>A copy of the medical conditions policy is provided to the parents of a child enrolled at the service if the provider is aware that the child has a specific health care need, allergy or other relevant medical condition</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 92</b> Medication record</p>	<ul style="list-style-type: none"> <li>A medication record is kept that includes all of the details specified in regulation 92(3) for each child to whom medication is or is to be administered by the service</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case if the record is not kept available for inspection (section 175)</p> <p><b>\$2200</b> penalty if record is not accurate (regulation 177)</p> <p><b>\$2200</b> penalty if record is not made available to the relevant child's parent on request (regulation 177)</p>	<p><input checked="" type="checkbox"/></p> <p><b>\$220</b> fine if the record is not accurate (regulation 177)</p> <p><b>\$220</b> fine if the record is not made available to the child's parent on request</p>
<p><b>Regulation 93</b> Administration of medication</p>	<ul style="list-style-type: none"> <li>Medication is not administered to a child being educated and cared for by the service unless: <ul style="list-style-type: none"> <li>the administration is authorised, and</li> <li>the medication is administered in accordance with regulation 95 or 96</li> </ul> </li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$2200</b> penalty</p>	<p><input type="checkbox"/></p>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 94</b> Exception to authorisation requirement in the case of anaphylaxis or asthma emergency	<ul style="list-style-type: none"> <li>If medication is administered to a child without authorisation because of anaphylaxis or an asthma emergency, the parent of the child and emergency services are notified as soon as practicable</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 95</b> Procedure for administration of medication	<ul style="list-style-type: none"> <li>If medication is administered to a child, it is administered in line with the requirements of regulation 95</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 96</b> Self administration of medication	<ul style="list-style-type: none"> <li>A child over preschool age is only permitted (by the approved provider) to self administer medication if an authorisation is recorded on the medication record for that child and the medical conditions policy for the service includes practices for self-administration of medication</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 97(1)</b> Emergency and evacuation procedures (regulation 168)	<ul style="list-style-type: none"> <li>The service has in place a policy and procedures in relation to emergency and evacuation that sets out instructions for what must be done in the event of an emergency, and an emergency and evacuation floor plan (regulation 168)</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>\$1100</b> penalty if the policy and procedures are not in place (regulation 168)	

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 97(2)</b> Emergency and evacuation procedures	<ul style="list-style-type: none"> <li>A risk assessment is conducted to identify emergencies that are relevant to the service for the purpose of preparing the emergency and evacuation procedures for the service</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for individuals
<b>Regulation 97(3)</b> Emergency and evacuation procedures	<ul style="list-style-type: none"> <li>Emergency and evacuation procedures are rehearsed every 3 months by each family day care educator and the children in attendance at that residence or venue on that day</li> <li>Rehearsals of the emergency and evacuation procedures are documented</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for individuals
<b>Regulation 97(4)</b> Emergency and evacuation procedures	<ul style="list-style-type: none"> <li>A copy of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit of the residence or venue</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for failure to comply with this regulation

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 98</b> Telephone or other communications equipment</p>	<ul style="list-style-type: none"> <li>The nominated supervisor and staff members of the service have ready access to an operating telephone or other similar means of communication to enable communication to and from parents and emergency services at any time that children are being educated and cared for as part of the service</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input checked="" type="checkbox"/> <b>\$110</b> fine for failure to comply with this regulation
<p><b>Regulation 99</b> Children leaving the education and care service premises</p> <p>Note: does not apply in Western Australia</p>	<ul style="list-style-type: none"> <li>A child in attendance does not leave the residence or venue except for one of the reasons outlined at regulation 99</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<p><b>Regulation 100</b> Risk assessment must be conducted before excursion</p>	<ul style="list-style-type: none"> <li>A risk assessment is carried out in accordance with regulation 101 before seeking authorisation for an excursion under regulation 102</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 101</b> Conduct a risk assessment for excursion	<ul style="list-style-type: none"> <li>A risk assessment for an excursion identifies and assesses risks that the excursion may pose to the safety, health or wellbeing of any child being taken on the excursion and specifies how these risks will be managed and minimised</li> <li>The risk assessment considers the items outlined at regulation 101</li> </ul>	✘	✘
<b>Regulation 102</b> Authorisation for excursions	<ul style="list-style-type: none"> <li>A child who is being educated and cared for at the residence or venue is not taken outside the service premises on an excursion without written authorisation</li> <li>The written authorisation for each child includes the information outlined at regulation 102</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	✘
<b>Regulation 102AAB</b> Safe arrival of children policies and procedures	<ul style="list-style-type: none"> <li>The safe arrival of children policies and procedures required under regulation 168(2) (gb) set out the procedures to be followed by an education and care service to ensure the safe arrival of children who travel between an education and care service and any other education or early childhood service.</li> <li>In preparing the policies and procedures under regulation 102AAB, the approved provider consults with the staff, parents and children (if applicable) of the service</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty if the policy and procedures are not in place (regulation 168)	✘



The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal Penalty for failure to comply with this section or regulation	Issue infringement notice Maximum fine associated with infringement notice
<b>Regulation 102AAC</b> Risk assessment for the purposes of safe arrival of children policies and procedures	<ul style="list-style-type: none"> <li>A risk assessment is conducted in accordance with regulation 102AAC</li> <li>The approved provider conducts the risk assessment:               <ul style="list-style-type: none"> <li>- at least once every 12 months; and</li> <li>- as soon as practicable after becoming aware of any circumstances that may affect the safe arrival of children travelling between an education and care service and any other education or early childhood service</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<b>Regulation 102B</b> Transport risk assessment must be conducted before service transports child	<ul style="list-style-type: none"> <li>A risk assessment is carried out in accordance with regulation 102C before an authorisation referred to in regulation 102D(4) is sought to transport a child.</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<b>Regulation 102C</b> Conduct of risk assessment for transporting of children by the education and care service	<ul style="list-style-type: none"> <li>The risk assessment identifies and assesses risks that the transportation of a child may pose to the safety, health or wellbeing of the child, and specifies how the identified risks will be managed and minimised.</li> <li>The risk assessment considers the items outlined at regulation 102C</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
<b>Regulation 102D</b> Authorisation for service to transport children	<ul style="list-style-type: none"> <li>A child being educated and cared for by the service is not transported by the service or on transportation arranged by the service unless written authorisation has been given under subregulation (4).</li> <li>The written authorisation for each child includes the information outlined at regulation 102D</li> </ul>	<input checked="" type="checkbox"/>  <b>\$1100</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?				
	The approved provider must ensure that:	<table border="1"> <tr> <td>Prosecution in a court or tribunal</td> <td>Issue infringement notice</td> </tr> <tr> <td>Penalty for failure to comply with this section or regulation</td> <td>Maximum fine associated with infringement notice</td> </tr> </table>	Prosecution in a court or tribunal	Issue infringement notice	Penalty for failure to comply with this section or regulation
Prosecution in a court or tribunal	Issue infringement notice				
Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice				

### QA3: Physical environment

<b>Regulation 103</b> Premises, furniture and equipment to be safe, clean and in good repair	<ul style="list-style-type: none"> <li>Premises, furniture and equipment are safe, clean and in good repair</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input type="checkbox"/>
<b>Regulation 104</b> Fencing	<ul style="list-style-type: none"> <li>Any outdoor space used by children is enclosed by a fence or barrier of a height and design that children preschool age and under cannot go through it, over it or under it</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input checked="" type="checkbox"/>  <b>\$220</b> fine for failure to comply with this regulation
<b>Regulation 105</b> Access to sufficient furniture, materials and developmentally appropriate equipment	<ul style="list-style-type: none"> <li>Each child has access to sufficient furniture, materials and developmentally appropriate equipment that is suitable for the education and care of that child</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 106(1)</b> Laundry and hygiene facilities	<ul style="list-style-type: none"> <li>The service has access to laundry facilities or another arrangement for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 106(2)</b> Laundry and hygiene facilities	<ul style="list-style-type: none"> <li>Laundry facilities are located and maintained in a way that does not pose a risk to children</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 107</b> Space requirements – indoor space  Note: applies to approved venues but not family day care residences	<ul style="list-style-type: none"> <li>There is at least 3.25 square meters of unencumbered indoor space for each child being educated and cared for at a family day care venue, in line with the specific requirements outlined in regulation 107</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input type="checkbox"/>
<b>Regulation 108</b> Space requirements – outdoor space  Note: applies to approved venues but not family day care residences	<ul style="list-style-type: none"> <li>There is at least 7 square meters of unencumbered outdoor space for each child being educated and cared for at a family day care venue, in line with the specific requirements outlined in regulation 108</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input type="checkbox"/>
<b>Regulation 109</b> Toilet and hygiene facilities	<ul style="list-style-type: none"> <li>Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service</li> <li>The location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 110</b> Ventilation and natural light</p>	<ul style="list-style-type: none"> <li>The indoor spaces used by children are well ventilated, have adequate natural light and are maintained at a temperature that ensures the safety and wellbeing of children</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input type="checkbox"/>
<p><b>Regulation 116(1)–(2)</b> Assessments of family day care residences and approved family day care venues (section 175, regulation 177)</p>	<ul style="list-style-type: none"> <li>An assessment, including a risk assessment, of each family day care residence and venue is conducted before education and care is provided to children at the residence or venue, and at least annually</li> <li>The assessment considers the matters outlined at regulation 116</li> <li>A record of assessments undertaken is available for inspection by an authorised officer (section 175)</li> <li>The record of assessments undertaken is accurate (regulation 177)</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty if an assessment is not conducted as required (regulation 116)  <b>\$4500</b> penalty for individuals  <b>\$22 900</b> in any other case if record of assessments is not available for inspection (section 175)  <b>\$2200</b> penalty if record of assessments is not accurate (regulation 177)	<input checked="" type="checkbox"/>  <b>(regulation 177)</b>  <b>\$220</b> fine for individuals  <b>\$1100</b> in any other case

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 116(3)</b> Assessments of family day care residences and approved family day care venues</p>	<ul style="list-style-type: none"> <li>Each family day care educator who educates and cares for children at a residence or venue advises the provider of:               <ul style="list-style-type: none"> <li>- any proposed renovations to the premises</li> <li>- any changes to any matter outlined in regulation 116, section 2, and</li> <li>- any other changes to the premises that will affect the education and care provided to children</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Regulation 116A</b> Inspection of swimming pools, water features and other potential water hazards at family day care residences and approved family day care venues</p> <p>Note: Regulation 116A does not apply in Western Australia</p>	<ul style="list-style-type: none"> <li>The approved provider conducts an inspection each month of any swimming pool, water feature or other potential water hazard located at each family day care residence or approved venue of the service to ensure that the health, safety and wellbeing of children are protected.</li> <li>The approved provider conducts the inspection in accordance with regulation 116A(2)-(6)</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	
	Prosecution in a court or tribunal	Issue infringement notice
The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 116B</b> Inspection report</p> <p>Note: Regulation 116B does not apply in Western Australia</p>	<ul style="list-style-type: none"> <li>• After conducting an inspection under regulation 116A, the approved provider or a person nominated by the approved provider (as the case may be) must prepare a written inspection report that includes the information specified in subregulation (2).</li> <li>• If an inspection is conducted by a person nominated by the approved provider, the person must provide the inspection report to the approved provider— <ul style="list-style-type: none"> <li>• - if subregulation (2)(e) applies—within 24 hours of conducting the inspection: or</li> <li>• - if subregulation (2)(f) applies—within 7 days of conducting the inspection.</li> </ul> </li> <li>• As soon as practicable after receiving an inspection report under subregulation (3) or preparing an inspection report under subregulation (1), the provider must give the inspection report to each family day care educator who provides education and care to children at the residence or venue.</li> </ul> <p>The provider must keep a copy of the inspection report.</p>	<div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">×</div>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 116C</b> Compliance with fencing requirements for swimming pools at family day care residences and approved family day care venues</p> <p>Note: Regulation 116C does not apply in Western Australia</p>	<ul style="list-style-type: none"> <li>Any swimming pool at a family day care residence or approved family day care venue of the service has a fence that complies with the law of the participating state or territory that applies to fences around swimming pools in which the residence or venue is located.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Regulation 117</b> Glass</p>	<ul style="list-style-type: none"> <li>Any glazed area of a family day care residence or venue that is accessible to children and is 0.75 metres or less above floor level must be glazed with safety glass if this is required, and in any other case must be treated with a product that prevents glass from shattering if broken or guarded by barriers that prevent a child from striking or falling against the glass.</li> </ul> <p>Note: The height above floor level specified in 117(1)(b) does not apply in Western Australia. The applicable height above floor level is 1 metre—see regulation 117(1)(b)(i) of the Education and Care Services National Regulations 2012 of Western Australia.</p>	<input type="checkbox"/>	<input type="checkbox"/>



The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	
		Prosecution in a court or tribunal
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation
		Issue infringement notice
		Maximum fine associated with infringement notice

#### QA4: Staffing arrangements

<b>Section 161A</b> Offence for nominated supervisor not to meet prescribed minimum requirements (regulation 117C)	<ul style="list-style-type: none"> <li>A person is not nominated as a nominated supervisor unless the person is at least 18 years of age and meets the requirements outlined at regulation 117C</li> </ul>	<input checked="" type="checkbox"/> <b>\$5700</b> penalty for individuals <b>\$28 700</b> in any other case	<input type="checkbox"/>
<b>Regulation 117B</b> Minimum requirements for a person in day-to-day charge	<ul style="list-style-type: none"> <li>A person is not placed in day-to-day charge of the service unless the person is at least 18 years of age and meets the requirements outlined at regulation 117B</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 118</b> Educational leader	<ul style="list-style-type: none"> <li>A suitably qualified and experienced educator, co-ordinator or other individual is designated in writing as the educational leader to lead the development and implementation of educational programs in the service</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 119</b> Family day care educator and educator assistants to be at least 18 years old	<ul style="list-style-type: none"> <li>Any family day care educator and any family day care educator assistant engaged by the service is at least 18 years of age</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 143A</b> Minimum requirements for a family day care educator</p>	<ul style="list-style-type: none"> <li>A person is not registered or engaged as a family day care educator unless the approved provider has taken reasonable steps to ensure that the person has adequate knowledge and understanding of the provision of education and care to children, and has had regard to the matters outlined in regulation 143A(2)</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input type="checkbox"/>
<p><b>Regulation 143B</b> Ongoing management of family day care educators</p>	<ul style="list-style-type: none"> <li>They take reasonable steps to ensure that each educator registered or engaged with the service maintains an adequate knowledge of the provision of education and care to children</li> <li>Any serious incident that occurs or complaint that alleges that the National Law has been contravened while a child is being educated and cared for as part of the service is adequately addressed</li> </ul>	<input checked="" type="checkbox"/>  <b>\$2200</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal Penalty for failure to comply with this section or regulation Issue infringement notice Maximum fine associated with infringement notice	
<b>Section 169(1)</b> Offence relating to staffing arrangements	<ul style="list-style-type: none"> <li>Ratio requirements at regulation 124 are maintained</li> </ul>	<input checked="" type="checkbox"/> <b>\$11 400</b> penalty for individuals <b>\$57 400</b> in any other case	<input type="checkbox"/>
<b>Regulation 124</b> Educator-to-child ratios – family day care services  Note: This regulation allows flexibility in exceptional circumstances, refer regulation 124, sections 5 and 6	<ul style="list-style-type: none"> <li>No more than 7 children are educated and cared for at a family day care residence or venue at any one time</li> <li>No more than 4 children are preschool age or under</li> <li>This includes the educator’s own children or other children at the residence if those children are under 13 years age and no other adults are present and caring for the children</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Section 163</b> Offence relating to appointment or engagement of family day care co-ordinators	<ul style="list-style-type: none"> <li>At all times, the number of persons prescribed at regulation 123A are employed or engaged as family day care co-ordinators of the service to assist with the operation of the service and to support, monitor and train family day care educators of that service</li> <li>Each family day care co-ordinator meets the qualification requirements prescribed at regulation 128</li> </ul>	<input checked="" type="checkbox"/> <b>\$5700</b> penalty for individuals <b>\$28 700</b> in any other case	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 123A</b> Family day care co-ordinator to educator ratios	<ul style="list-style-type: none"> <li>For the first 12 months of operation, the service has a minimum of 1 full time equivalent family day care co-ordinator for every 15 family day care educators or part thereof.</li> <li>After the first 12 months of operation, the service has a minimum 1 full time equivalent FDC co-ordinator for a maximum of 25 family day care educators, with a pro-rata allowances for second and subsequent co-ordinators, where an additional 0.2 full time equivalent co-ordinator must be engaged, at a minimum, for every one to five educators the service engages over the first 25 educators</li> </ul>	✘	✘
<b>Regulation 128</b> Family day care co-ordinator qualifications	<ul style="list-style-type: none"> <li>Each family day care co-ordinator has an approved diploma level qualification</li> </ul>	✘	✘

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 162A</b> Persons in day-to-day charge, nominated supervisors and family day care co-ordinator to have child protection training</p>	<ul style="list-style-type: none"> <li>Each nominated supervisor, person in day-to-day charge and family day care co-ordinator of the service has successfully completed any child protection training (if any) required in the jurisdiction of service approval</li> </ul> <p>** Please check the legislation for the commencement date in Western Australia regarding family day care co-ordinators being required to complete child protection training</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Section 164</b> Offence relating to assistance to family day care educators</p>	<ul style="list-style-type: none"> <li>One of the following persons is available to provide support at all times that a family day care educator is educating and caring for a child as part of the service: <ul style="list-style-type: none"> <li>- the approved provider or a person with management or control of the service; or</li> <li>- a nominated supervisor of the service; or</li> <li>- a person in day-to-day charge of the service</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> <p><b>\$5700</b> penalty for individuals <b>\$28 700</b> in any other case</p>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 164A</b> Offence relating to the education and care of children by family day care service</p>	<ul style="list-style-type: none"> <li>Any child being educated and cared for as part of the service is not educated and cared for by any person other than a family day care educator, except in the circumstances prescribed in the National Regulations</li> </ul>	<input checked="" type="checkbox"/>  <b>\$11 400</b> penalty for individuals  <b>\$57 400</b> in any other case	<input type="checkbox"/>
<p><b>Section 169(2)</b> Offence relating to staffing arrangements</p>	<ul style="list-style-type: none"> <li>Each family day care educator meets the qualification requirements prescribed at regulation 127 and the first aid qualifications prescribed at regulation 136</li> </ul>	<input checked="" type="checkbox"/>  <b>\$11 400</b> penalty for individuals  <b>\$57 400</b> in any other case	<input type="checkbox"/>
<p><b>Regulation 127</b> Family day care educator qualifications</p>	<ul style="list-style-type: none"> <li>New FDC educators must hold an approved certificate III level (or higher) qualification prior to commencing their role in a FDC service and cannot be ‘actively working towards’ a qualification. Note: Existing educators currently engaged at a FDC service have until 1 July 2024 to complete an approved qualification (does not apply in South Australia)</li> </ul> <p>**Please check the legislation for the commencement date in Western Australia</p>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 136</b> First aid qualifications</p>	<ul style="list-style-type: none"> <li>Each family day care educator and family day care educator assistant holds a current approved first aid qualification, has undertaken current approved anaphylaxis management training and has undertaken current approved emergency asthma management training</li> <li>The following qualifications must be completed within the previous three years to be considered current: <ul style="list-style-type: none"> <li>Approved first aid qualifications (except for a qualification that relates to emergency life support and cardio-pulmonary resuscitation, which must be completed within the previous year)</li> <li>Approved anaphylaxis management training</li> <li>Approved emergency asthma management training<sup>^**</sup></li> </ul> </li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<p><b>Regulation 144</b> Family day care educator assistant</p>	<ul style="list-style-type: none"> <li>A person is only approved to assist a family day care educator in providing education and care to children as part of the service in the circumstances outlined in regulation 144</li> <li>A person is not approved as a family day care educator assistant unless the family day care educator provides the written consent of a parent of each child cared for by the educator</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>^</sup>Approved providers have until 1 April 2024 to undertake any necessary training to ensure first aid qualifications and anaphylaxis and asthma management training are current, as per the above timeframes.

<sup>\*\*</sup> Please check the legislation for the commencement date in Western Australia

<p>The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)</p>	<p>What is required for compliance with this section or regulation?</p>		
		<p>Prosecution in a court or tribunal</p>	<p>Issue infringement notice</p>
	<p>The approved provider must ensure that:</p>	<p>Penalty for failure to comply with this section or regulation</p>	<p>Maximum fine associated with infringement notice</p>
<p><b>Section 269</b> Register of family day care educators, coordinators and assistants (regulation 153)</p>	<ul style="list-style-type: none"> <li>• A register of each family day care educator and any other person engaged by the service to educate and care for children is kept at the principal office of the family day care service</li> <li>• The register contains the information prescribed by regulation 153</li> <li>• Any information on the register, including changes to that information, is provided to the regulatory authority on request</li> <li>• The provider keeps the register in accordance with the prescribed requirements (if any).</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case if record is not available for inspection (section 269(4))</p>	<p><input type="checkbox"/></p>
<p><b>Regulation 154</b> Record of staff, family day care co-ordinators and family day care educator assistants (section 175, regulation 177)</p>	<ul style="list-style-type: none"> <li>• A record of staff, of family day care co-ordinators engaged by the service and of approved family day care educator assistants is kept and includes the required information outlined at regulation 154</li> <li>• The record is available for inspection by an authorised officer (section 175)</li> <li>• The record is accurate (regulation 177)</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case if record is not available for inspection (section 175)</p> <p><b>\$2200</b> penalty if record is not accurate (regulation 177)</p>	<p><input checked="" type="checkbox"/></p> <p><b>\$220</b> fine (regulation 177)</p>



The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice

### QA5: Relationships with children

<b>Regulation 155</b> Interactions with children	<ul style="list-style-type: none"> <li>Education and care is provided to children in a way that: <ul style="list-style-type: none"> <li>- encourages them to express themselves and their opinions</li> <li>- allows them to undertake experiences that develop self-reliance and self-esteem</li> <li>- maintains the dignity and rights of each child</li> <li>- gives each child positive guidance and encouragement toward acceptable behaviour</li> <li>- has regard to the family and cultural values, age and physical and intellectual development and abilities of each child</li> </ul> </li> </ul>	✘	✘
<b>Regulation 156</b> Relationships in groups	<ul style="list-style-type: none"> <li>The service provides children with opportunities to interact and develop respectful and positive relationships with each other and with staff members and volunteers at the service</li> </ul>	✘	✘

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Section 166</b> Inappropriate discipline	<ul style="list-style-type: none"> <li>No child being educated and cared for by the service is subjected to any form of corporal punishment or any discipline that is unreasonable in the circumstances</li> </ul>	<input checked="" type="checkbox"/> <b>\$11 400</b> penalty for individuals <b>\$57 400</b> in any other case	<input type="checkbox"/>

#### QA6: Collaborative partnerships with families and communities

<b>Regulation 157</b> Access for parents	<ul style="list-style-type: none"> <li>A parent may enter the service premises any time that their child is in attendance at the service, except if:           <ul style="list-style-type: none"> <li>(a) Permitting the parent's entry would:               <ul style="list-style-type: none"> <li>i. Pose a risk to the safety of the children and staff of the education and care service; or</li> <li>ii. Conflict with any duty of the provider under the Law; or</li> </ul> </li> <li>(b) The provider reasonably believes that permitting the parent's entry would contravene a court order.</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input checked="" type="checkbox"/> <b>\$220</b> fine for individuals <b>\$1100</b> in any other case
---	--	--	---

#### QA7: Leadership and service management

<b>Section 161</b> Must operate with nominated supervisor	<ul style="list-style-type: none"> <li>A service must not operate unless there is a nominated supervisor for that service.</li> </ul>	<input checked="" type="checkbox"/> <b>\$5700</b> fine for individuals <b>\$28 700</b> in any other case	<input type="checkbox"/>
--	---	--	--------------------------

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 164</b> Assistance to family day care educators</p>	<ul style="list-style-type: none"> <li>A service must ensure that at all times a family day care educator is caring for a child as part of the service, one of the following persons is available for support: <ul style="list-style-type: none"> <li>(a) the approved provider, or a person with management or control of the family day care service</li> <li>(b) a nominated supervisor</li> <li>(c) a person in day-to-day charge</li> </ul> </li> <li>For this section, the requirement to be available to provide support includes being available to be contacted by telephone to provide advice and assistance to the family day care educator.</li> </ul>	<input checked="" type="checkbox"/> <b>\$5700</b> fine for individuals <b>\$28 700</b> in any other case	<input type="checkbox"/>
<p><b>Section 164A</b> Education and care of children</p>	<ul style="list-style-type: none"> <li>(1) Any child being educated and cared for as part of the service is not educated and cared for by a person other than a family day care educator, except in the circumstances prescribed by the national regulations.</li> </ul>	<input checked="" type="checkbox"/> <b>\$11 400</b> in the case of an individual <b>\$57 400</b> in any other case	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>(2) Any child being educated and cared for by the educator as part of a family day care service is not educated or cared for by any other person at the family day care residence or approved family day care venue, except in the circumstances prescribed by the national regulations.</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
		Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 158</b> Children’s attendance record to be kept (regulation 159)</p>	<ul style="list-style-type: none"> <li>• A record of attendance is kept that records: <ul style="list-style-type: none"> <li>- full name of each child attending the service</li> <li>- date and time each child arrives and departs the service</li> </ul> </li> <li>• The record of attendance is signed each time the child arrives or departs by: <ul style="list-style-type: none"> <li>- the person who delivers or collects the child from the service premises, or</li> <li>- the educator, if the signature of the person who delivers or collects the child cannot be reasonably obtained</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case if the documentation is not kept available for inspection (section 175)</p> <p><b>\$2200</b> penalty if documentation is not accurate (regulation 177)</p> <p><b>\$2200</b> penalty if documentation is not made available to the relevant child’s parent on request (regulation 177)</p>	<input checked="" type="checkbox"/> <p>(regulation 177)</p> <p><b>\$220</b> fine if the record is not accurate</p> <p><b>\$220</b> fine if the record is not made available to the child’s parent on request</p>

<p>The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)</p>	<p>What is required for compliance with this section or regulation?</p>		
	<p>The approved provider must ensure that:</p>	<p>Prosecution in a court or tribunal</p>	<p>Issue infringement notice</p>
<p><b>Regulation 160</b> Children’s enrolment record to be kept</p>	<ul style="list-style-type: none"> <li>An enrolment record is kept that includes the information set out at regulation 160(3) for each child educated and cared for as part of the service</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case if the documentation is not kept available for inspection (section 175)</p> <p><b>\$2200</b> penalty if documentation is not accurate (regulation 177)</p> <p><b>\$2200</b> penalty if documentation is not made available to the relevant child’s parent on request (regulation 177)</p>	<p><input checked="" type="checkbox"/></p> <p>(regulation 177)</p> <p><b>\$220</b> fine if the record is not accurate</p> <p><b>\$220</b> fine if the record is not made available to the child’s parent on request</p>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal Penalty for failure to comply with this section or regulation	Issue infringement notice Maximum fine associated with infringement notice
<b>Regulation 161</b> Authorisations to be kept in enrolment record	<ul style="list-style-type: none"> <li>The required authorisations are kept in the enrolment record for each child educated and cared for by the service</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 162</b> Health information to be kept in enrolment record	<ul style="list-style-type: none"> <li>The required health information is kept in the enrolment record for each child educated and cared for by the service</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 163(1)</b> Residents at family day care residence to be fit and proper persons	<ul style="list-style-type: none"> <li>Every person aged 18 years or over who resides at a family day care residence is a fit and proper person to be in the company of children</li> <li>Each person aged 18 years or over who resides at a family day care residence is assessed in accordance with Regulation 163(4)</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>
<b>Regulation 163(2)</b> Family day care educator assistants to be fit and proper persons	<ul style="list-style-type: none"> <li>Every person who is a family day care educator assistant at a residence or approved venue is a fit and proper person to be in the company of children</li> <li>Every person who is a family day care educator assistant at a residence or approved venue is assessed in accordance with regulation 163(4)</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Regulation 164</b> Requirement for notice in relation to persons at residence</p>	<p>Each family day care educator notifies the provider of:</p> <ul style="list-style-type: none"> <li>- Any new person aged 18 or over who resides or intends to reside at the educator’s family day care residence.</li> <li>- Any circumstance relating to a person who resides, or intends to reside, at the educator's family day care residence that may affect whether the person is a fit and proper person to be in the company of children.</li> </ul> <p>** Please check the legislation for the commencement date in Western Australia</p>	<p><input checked="" type="checkbox"/></p> <p><b>\$2200</b> penalty</p>	<p><input type="checkbox"/></p>
<p><b>Regulation 165</b> Record of visitors</p>	<ul style="list-style-type: none"> <li>• Each family day care educator keeps a record of all visitors to a family day care residence or approved venue while children are being educated and cared for at that residence or venue</li> <li>• The record include the signature of the visitor and the time of the visitor’s arrival and departure</li> </ul>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p><b>Regulation 166</b> Children not to be alone with visitors</p>	<ul style="list-style-type: none"> <li>• A child being educated and cared for at a family day care residence or venue is not left alone with a visitor to the residence or venue</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$2200</b> penalty</p>	<p><input type="checkbox"/></p>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal  Penalty for failure to comply with this section or regulation	Issue infringement notice  Maximum fine associated with infringement notice
<b>Regulation 167</b> Record of service’s compliance (section 175, regulation 177)	<ul style="list-style-type: none"> <li>• A record is kept of the service’s compliance and includes the required information outlined in regulation 167</li> <li>• The record is available for inspection by an authorised officer (section 175)</li> <li>• The record is accurate (regulation 177)</li> <li>• The record can be accessed on request by any person (regulation 177)</li> </ul>	<input checked="" type="checkbox"/>  <b>\$4500</b> penalty for individuals  <b>\$22 900</b> in any other case if record is not available for inspection (section 175)  <b>\$2200</b> penalty if record is not accurate (regulation 177)  <b>\$2200</b> penalty if record is not made accessible on request (regulation 177)	<input checked="" type="checkbox"/>  <b>\$220</b> fine if the record is not accurate  <b>\$220</b> fine if the record is not made accessible on request
<b>Regulation 168</b> Education and care service must have policies and procedures	<ul style="list-style-type: none"> <li>• The service has in place policies and procedures in relation to each of the matters set out in regulation 168(2)</li> </ul>	<input checked="" type="checkbox"/>  <b>\$1100</b> penalty	<input type="checkbox"/>
<b>Regulation 169</b> Additional policies and procedures – family day care service	<ul style="list-style-type: none"> <li>• The service has in place policies and procedures in relation to each of the matters set out in regulation 169(2)</li> </ul>	<input checked="" type="checkbox"/>  <b>\$1100</b> penalty	<input type="checkbox"/>
<b>Regulation 170(2)</b> Policies and procedures to be followed	<ul style="list-style-type: none"> <li>• The nominated supervisor, staff members and family day care educators follow the policies and procedures required under regulations 168 and 169</li> </ul>	<input checked="" type="checkbox"/>  <b>\$1100</b> penalty	<input type="checkbox"/>



The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<b>Regulation 171(1)</b> Policies and procedures to be kept available	<ul style="list-style-type: none"> <li>Copies of the current policies and procedures required under regulations 168 and 169 are readily accessible to the service's nominated supervisor, staff members, volunteers and family day care educators</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input type="checkbox"/>
<b>Regulation 171(2)</b> Policies and procedures to be kept available	<ul style="list-style-type: none"> <li>Copies of the current policies and procedures required under regulations 168 and 169 are available for inspection at the service premises at all times that the service is educating and caring for children and otherwise on request</li> </ul>	<input checked="" type="checkbox"/> <b>\$1100</b> penalty	<input type="checkbox"/>
<b>Regulation 172</b> Notification of change to policies or procedures	<ul style="list-style-type: none"> <li>Parents of children enrolled at the service are notified at least 14 days before making any change to:               <ul style="list-style-type: none"> <li>- a policy or procedure required under regulations 168 and 169 that may have a significant impact on the service's provisions of education and care to any child enrolled at the service or the family's ability to utilise the service,</li> <li>- the way that fees are collected or how fees are charged</li> </ul> </li> <li>If the notice period poses a risk to the safety, health or wellbeing of children enrolled at the service, parents must be notified of a change as soon as practicable</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal	Issue infringement notice
		Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 172(2)</b> Offence to fail to display prescribed information</p> <p><b>Regulation 173A</b> Prescribed information to be displayed - family day care service</p>	<ul style="list-style-type: none"> <li>All required prescribed information outlined in section 172(2) and in regulation 173A must be positioned so that it is clearly visible to anyone from the main entrance to the service premises</li> </ul>	<input checked="" type="checkbox"/> <b>\$3400</b> penalty for individuals <b>\$17 200</b> in any other case	<input checked="" type="checkbox"/> <b>\$340</b> fine for individuals
<p><b>Section 173(1)</b> Offence to fail to notify certain circumstances to regulatory authority (regulation 174)</p>	<ul style="list-style-type: none"> <li>The provider gives written notice to the regulatory authority of the following:               <ul style="list-style-type: none"> <li>- change in the name of the approved provider</li> <li>- any appointment or removal of a person with management or control of a service operated by the provider</li> <li>- failure to commence operating a service within 6 months (or a time agreed with the regulatory authority) after being granted a service approval</li> </ul> </li> <li>Notice is provided within 14 days of the event or within 14 days of the provider becoming aware of the event</li> </ul>	<input checked="" type="checkbox"/> <b>\$4500</b> penalty for individuals <b>\$22 900</b> in any other case	<input checked="" type="checkbox"/> <b>\$450</b> fine for individuals

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 173(2)</b> Offence to notify certain circumstances to regulatory authority (regulation 174)</p>	<ul style="list-style-type: none"> <li>The provider gives written notice to the regulatory authority of the following in relation to a service operated by the provider: <ul style="list-style-type: none"> <li>suspension or cancellation of a working with children check or teacher registration of a nominated supervisor engaged by the service</li> <li>disciplinary proceedings under an education law of a participating jurisdiction in respect of a nominated supervisor engaged by the service</li> <li>if a nominated supervisor ceases to be employed by the service or withdraws consent to the nomination</li> <li>proposed change to the service premises (other than a residence)</li> <li>ceasing to operate the service</li> <li>a change in location of the principal office of a family day care service</li> <li>an intention to transfer the service approval</li> </ul> </li> <li>The notice must be provided to the regulatory authority that granted the service approval for the relevant service within the time prescribed at regulation 174</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case</p>	<p><input checked="" type="checkbox"/></p> <p><b>\$450</b> fine for individuals</p>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 174(1)</b> Offence to fail to notify certain information to regulatory authority (regulation 175, regulation 176)</p>	<ul style="list-style-type: none"> <li>The provider gives written notice to the regulatory authority of the following: <ul style="list-style-type: none"> <li>any change relevant to whether the provider is a fit and proper person to be involved in the provision of an education and care service</li> <li>information in respect to any matter prescribed at regulation 175(1)</li> </ul> </li> <li>The notice must be provided within 7 days of the event or within 7 days of the provider becoming aware of the event</li> </ul>	<input checked="" type="checkbox"/>  <b>\$4500</b> penalty for individuals  <b>\$22 900</b> in any other case	<input type="checkbox"/>
<p><b>Section 174(2)</b> Offence to fail to notify certain information to regulatory authority (regulation 175, regulation 176)</p>	<ul style="list-style-type: none"> <li>The provider gives written notice to the regulatory authority of the following in relation to a service operated by the provider: <ul style="list-style-type: none"> <li>any serious incident (as defined by the National Regulations) at the service</li> <li>any complaints alleging that: <ul style="list-style-type: none"> <li>a serious incident has occurred or is occurring while a child was or is being educated and cared for by the educator; or</li> <li>that the National Law has been contravened; in respect to any matter prescribed at regulation 175(2)</li> </ul> </li> </ul> </li> <li>The notice must be provided to the regulatory authority that granted the service approval for the relevant service within the time prescribed at regulation 176</li> </ul>	<input checked="" type="checkbox"/>  <b>\$4500</b> penalty for individuals  <b>\$22 900</b> in any other case	<input type="checkbox"/>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?	Prosecution in a court or tribunal	Issue infringement notice
	The approved provider must ensure that:	Penalty for failure to comply with this section or regulation	Maximum fine associated with infringement notice
<p><b>Section 175</b> Offence relating to requirement to keep enrolment and other documents (regulation 177)</p>	<ul style="list-style-type: none"> <li>The provider keeps the documents prescribed at regulation 177 available for inspection by an authorised officer</li> <li>These documents are kept at the service premises if they relate to the operation of the service, or to any staff member employed by the service, or to any child educated and cared for in the previous 12 months at those premises</li> <li>In any other case, these documents are kept at a place and in a manner that they are readily accessible to an authorised officer</li> </ul> <p>Note: each family day care educator must keep the prescribed documents available for inspection at their residence or venue</p>	<p><input checked="" type="checkbox"/></p> <p><b>\$4500</b> penalty for individuals</p> <p><b>\$22 900</b> in any other case</p>	<p><input type="checkbox"/></p>
<p><b>Regulation 177 (2)</b> Prescribed enrolment and other documents to be kept by approved provider</p>	<ul style="list-style-type: none"> <li>The provider takes reasonable steps to ensure that the documents outlined in regulation 177 are accurate</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><b>\$2200</b> penalty for individuals</p>	<p><input checked="" type="checkbox"/></p> <p><b>\$220</b> fine for failure to comply with this regulation in relation to any document specified</p> <p><b>\$220</b> fine for individuals</p>

The approved provider is legally responsible for compliance with the following components of the National Law (section) and National Regulations (regulation)	What is required for compliance with this section or regulation?		
	The approved provider must ensure that:	Prosecution in a court or tribunal Penalty for failure to comply with this section or regulation	Issue infringement notice Maximum fine associated with infringement notice
<b>Regulation 180</b> Evidence of prescribed insurance	<ul style="list-style-type: none"> <li>Evidence of the current prescribed insurance is kept at the principal office of the family day care service and is made available for inspection by the Regulatory Authority or an authorised officer</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 181</b> Confidentiality of records kept by approved provider	<ul style="list-style-type: none"> <li>Information kept in a record required under the National Regulations is not divulged or communicated to another person other than in the circumstances outlined at regulation 181</li> </ul>	<input checked="" type="checkbox"/> <b>\$2200</b> penalty for individuals	<input type="checkbox"/>
<b>Regulation 183</b> Storage of records and other documents	<ul style="list-style-type: none"> <li>Records and documents outlined at regulation 177 are stored in a safe and secure place for the relevant period of time set out in regulation 183(2)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regulation 185</b> Law and regulations to be available	<ul style="list-style-type: none"> <li>A copy of the National Law and the National Regulations must be accessible at the service premises at all times for use by the nominated supervisor, staff, volunteers, parents of children enrolled at the service and any person seeking to make use of the service</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>



Australian Children's  
Education & Care  
Quality Authority