

South Australia

# **Education and Early Childhood Services (Registration and Standards) (Amendment of Education and Care Services National Law Text) Regulations 2023**

under the *Education and Early Childhood Services (Registration and Standards) Act 2011*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Education and Early Childhood Services (Registration and Standards) (Amendment of Education and Care Services National Law Text) Regulations 2023*.

### **2—Commencement**

- (1) Subject to subregulation (2), these regulations come into operation on the day on which section 15 of the *Early Childhood Legislation Amendment Act 2022* of Victoria comes into operation.
- (2) Part 2 Division 2 comes into operation on the day on which section 22 of the *Early Childhood Legislation Amendment Act 2022* of Victoria comes into operation.

### **3—Interpretation**

In these regulations—

*Act* means the *Education and Early Childhood Services (Registration and Standards) Act 2011*.

### **4—Amendment of Education and Care Services National Law text**

- (1) Pursuant to section 11 of the Act, the Education and Care Services National Law text is amended as set out in Part 2 of these regulations.
- (2) In these regulations, a provision referring to the amendment of a specified provision amends the provision of the Education and Care Services National Law text so specified.

## **Part 2—Amendment of Education and Care Services National Law text**

### **Division 1—Amendments commencing on commencement of section 15 of *Early Childhood Legislation Amendment Act 2022* of Victoria**

#### **5—Amendment of section 5—Definitions**

Section 5(1), definition of *person with management or control*—delete the definition and substitute:

*person with management or control* means a person referred to in section 5A;

#### **6—Insertion of section 5A**

After section 5 insert:

##### **5A—Meaning of person with management or control**

For the purposes of this Law, each of the following persons is a *person with management or control* of an education and care service:

- (a) if the provider or intended provider of the service is a body corporate—
  - (i) an officer (within the meaning of the *Corporations Act 2001* of the Commonwealth) of the body corporate who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service; and
  - (ii) any other person who—
    - (A) is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
    - (B) has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service;
- (b) if the provider or intended provider of the service is an eligible association—
  - (i) each member of the executive committee of the association who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service; and

- (ii) any other person who—
  - (A) is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
  - (B) has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service;
- (c) if the provider or intended provider of the service is a partnership—
  - (i) each partner who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service; and
  - (ii) any other person who—
    - (A) is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
    - (B) has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service;
- (d) in any other case, any person who—
  - (i) is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
  - (ii) has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.

**7—Amendment of section 14—Regulatory Authority may seek further information**

- (1) Section 14(1)(a)—delete "information" and substitute:

information, including for the purposes of assessing the person's knowledge of the National Quality Framework
- (2) Section 14(1)—after paragraph (b) insert:

and

  - (c) by written notification, require the person to undergo an oral or written assessment of the person's knowledge of the National Quality Framework.

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(3) Section 14—after subsection (2) insert:

- (3) If the Regulatory Authority requires the applicant to undergo an assessment under this section, the period from the giving of the notification until the conduct of the assessment is not included in the period referred to in section 15 for the Regulatory Authority to make a decision on the application.

**8—Amendment of section 15—Grant or refusal of provider approval**

Section 15(3), note—delete the note and substitute:

Notes—

- 1 If further information is requested under section 14(1)(a), the period between the making of the request and the provision of the information is not included in the 60 day period.
- 2 If an assessment is required under section 14(1)(c), the period between the giving of the notification and the conduct of the assessment is not included in the 60 day period.

**9—Amendment of section 25—Grounds for suspension of provider approval**

Section 25—after paragraph (g) insert:

or

- (h) under section 195H(1)(b) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth, the approved provider's approval as a provider has been cancelled for the reason that the approved provider has not satisfied, or is not satisfying, the provider eligibility rules in section 194C(b), (c) or (d) of that Act; or

**Note—**

It is a condition for continued approval of an approved provider that the approved provider continues to satisfy the provider eligibility rules—see section 195A(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth.

- (i) the approved provider has been refused approval as a provider under section 194B(6) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth for the reason that the provider does not satisfy the provider eligibility rules in section 194C(b), (c) or (d) of that Act.

**Note—**

The Regulatory Authority must refuse to approve a provider if the Regulatory Authority is not satisfied that the provider satisfies the provider eligibility rules—see section 194B(1)(a) and (6) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth.

**10—Amendment of section 31—Grounds for cancellation of provider approval**

Section 31—after paragraph (f) insert:

or

- (g) under section 195H(1)(b) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth, the approved provider's approval as a provider has been cancelled for the reason that the approved provider has not satisfied, or is not satisfying, the provider eligibility rules in section 194C(b), (c) or (d) of that Act; or

**Note—**

It is a condition for continued approval of an approved provider that the approved provider continues to satisfy the provider eligibility rules—see section 195A(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth.

- (h) the approved provider has been refused approval as a provider under section 194B(6) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth for the reason that the provider does not satisfy the provider eligibility rules in section 194C(b), (c) or (d) of that Act.

**Note—**

The Regulatory Authority must refuse to approve a provider if the Regulatory Authority is not satisfied that the provider satisfies the provider eligibility rules—see section 194B(1)(a) and (6) of the *A New Tax System (Family Assistance) (Administration) Act 1999* of the Commonwealth.

## **11—Amendment of section 55A—Condition relating to family day care co-ordinators**

- (1) Section 55A(1)—delete "each 15 family day care educators" and substitute:  
every 15 family day care educators (or part of that number)
- (2) Section 55A(1)—after the present contents of subsection (1) as amended by this regulation insert:

**Examples—**

- 1 If between 1 and 15 family day care educators are engaged by or registered with the family day care service, at least one qualified person must be employed or engaged by the approved provider as a family day care co-ordinator.
- 2 If between 16 and 30 family day care educators are engaged by or registered with the family day care service, at least 2 qualified persons must be employed or engaged by the approved provider as a family day care co-ordinator.

## **12—Amendment of section 155—Decision on application**

Section 155(5)—delete "3 years" and substitute:

5 years

## **13—Insertion of Part 15 Division 7**

Part 15—after Division 6 insert:

### **Division 7—Transitional provisions—Early Childhood Legislation Amendment Act 2022**

#### **336—Transitional provision—notification of persons with management or control of an education and care service**

- (1) For the purposes of section 173(1)(b), a person who is a person with management or control on the commencement day is taken to be appointed as a person with management or control on that day.
- (2) Subsection (1) does not apply to a person who, immediately before the commencement day, was a person with management or control within the meaning of this Law as in force immediately before the commencement day.
- (3) In this section—

*commencement day*, in relation to a participating jurisdiction, means the day on which section 5A as inserted by section 16 of the *Early Childhood Legislation Amendment Act 2022* of Victoria comes into operation in that jurisdiction.

#### **337—Transitional provision—assessment of provider approval applications**

- (1) Section 14, as amended by section 17 of the *Early Childhood Legislation Amendment Act 2022* of Victoria, applies in relation to—
  - (a) an application for a provider approval that was made but had not been determined before the commencement day; and
  - (b) a reassessment that had commenced but had not yet been completed before the commencement day.
- (2) In this section—

*commencement day*, in relation to a participating jurisdiction, means the day on which the amendments made by section 17 of the *Early Childhood Legislation Amendment Act 2022* of Victoria comes into operation in that jurisdiction.

#### **338—Transitional provision—service waivers**

- (1) Despite the commencement of section 27 of the *Early Childhood Legislation Amendment Act 2022* of Victoria—
  - (a) this Law as in force immediately before the commencement day continues to apply in respect of a service waiver that was in force immediately before the commencement day; and



- (b) the service waiver continues in force on and after the commencement day until it is revoked by the Regulatory Authority.

- (2) In this section—

**commencement day**, in relation to a participating jurisdiction, means the day on which the amendments made by section 27 of the *Early Childhood Legislation Amendment Act 2022* of Victoria comes into operation in that jurisdiction.

### **339—Transitional provision—temporary waivers**

- (1) Despite the commencement of section 31 of the *Early Childhood Legislation Amendment Act 2022* of Victoria—

- (a) this Law as in force immediately before the commencement day continues to apply in respect of a temporary waiver that was in force immediately before the commencement day; and

- (b) the temporary waiver continues in force on and after the commencement day until the earliest of the following:

- (i) the temporary waiver expires;
- (ii) the temporary waiver is revoked by the Regulatory Authority.

- (2) In this section—

**commencement day**, in relation to a participating jurisdiction, means the day on which the amendments made by section 31 of the *Early Childhood Legislation Amendment Act 2022* of Victoria comes into operation in that jurisdiction.

## **Division 2—Amendments commencing on commencement of section 22 of *Early Childhood Legislation Amendment Act 2022* of Victoria**

### **14—Amendment of section 19—Conditions on provider approval**

Section 19(4), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$11 400, in the case of an individual.
- (b) \$57 400, in any other case.

### **15—Amendment of section 36—Notice to parents of suspension or cancellation**

Section 36(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$3 400, in the case of an individual.
- (b) \$17 200, in any other case.

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**16—Amendment of section 51—Conditions on service approval**

Section 51(8), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$11 400, in the case of an individual.
- (b) \$57 400, in any other case.

**17—Amendment of section 59—Regulatory Authority to be notified of transfer**

(1) Section 59(1)(a)—delete "42 days" and substitute:

60 days

(2) Section 59(2)—after paragraph (a) insert:

(ab) specify the date on which the transfer is intended to take effect; and

**18—Insertion of section 59A**

After section 59 insert:

**59A—Further notification required in case of delay to transfer date**

- (1) If, after giving a notification under section 59, the transfer is to be delayed, the transferring approved provider and the receiving approved provider must jointly notify the Regulatory Authority as soon as practicable of the new date that the transfer is intended to take effect.
- (2) A notification under subsection (1) does not affect consent to the transfer given or taken to have been given by the Regulatory Authority before it received that notification.

**19—Amendment of section 66—Regulatory Authority to notify outcome 7 days before transfer**

(1) Section 66, heading—delete "7 days" and substitute:

10 days

(2) Section 66(1)—delete "7 days" and substitute:

10 days

**20—Insertion of section 67A**

After section 67 insert:

**67A—Request for earlier transfer date after consent given to transfer**

- (1) This section applies if the Regulatory Authority has consented to or is taken to have consented to the transfer of a service approval.

- (2) The transferring approved provider and the receiving approved provider may request the transfer take effect on an earlier date than specified in the notification under section 59 or 59A.
- (3) The Regulatory Authority may agree to the requested earlier date if the Regulatory Authority considers that exceptional circumstances exist.

#### **21—Amendment of section 68—Confirmation of transfer**

Section 68(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

#### **22—Amendment of section 69—Notice to parents**

- (1) Section 69(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$3 400, in the case of an individual.
- (b) \$17 200, in any other case.

- (2) Section 69(2)—delete "2 days" and substitute:

7 days

#### **23—Amendment of section 84—Notice to parents of suspension or cancellation**

Section 84(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$3 400, in the case of an individual.
- (b) \$17 200, in any other case.

#### **24—Amendment of section 87—Application for service waiver for service**

Section 87(1)—delete subsection (1) and substitute:

- (1) An approved provider may apply to the Regulatory Authority for a waiver of a requirement that an approved education and care service comply with one or more of the national regulations prescribed for the purposes of this section.
- (1a) Regulations for the purposes of subsection (1) must not prescribe the National Quality Standard or any element of the National Quality Standard.

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**25—Substitution of section 90**

Section 90—delete the section and substitute:

**90—Matters to be considered**

In considering whether the grant of a service waiver is appropriate, the Regulatory Authority may have regard to—

- (a) any matters disclosed in the application; and
- (b) any other matter the Regulatory Authority thinks fit.

**26—Amendment of section 91—Decision on application**

Section 91(6)(a)—delete paragraph (a) and substitute:

- (a) the national regulations that have been waived; and

**27—Substitution of section 93**

Section 93—delete the section and substitute:

**93—Effect of service waiver**

While a service waiver is in force, the approved education and care service is taken to comply with the national regulations specified in the service waiver.

**28—Substitution of section 94**

Section 94—delete the section and substitute:

**94—Application for temporary waiver**

- (1) An approved provider may apply to the Regulatory Authority for a temporary waiver of a requirement that an approved education and care service comply with one or more of the national regulations prescribed for the purposes of this section.
- (2) Regulations for the purposes of subsection (1) must not prescribe the National Quality Standard or any element of the National Quality Standard.

**29—Amendment of section 98—Decision on application**

Section 98(7)(a)—delete paragraph (a) and substitute:

- (a) the national regulations that have been temporarily waived; and

**30—Substitution of section 100**

Section 100—delete the section and substitute:

**100—Effect of temporary waiver**

While a temporary waiver is in force, the approved education and care service is not required to comply with the national regulations that have been temporarily waived.

**31—Amendment of section 103—Offence to provide an education and care service without service approval**

Section 103(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$22 900, in the case of an individual.
- (b) \$114 900, in any other case.

**32—Amendment of section 103A—Offence relating to places where education and care is provided as part of a family day care service**

Section 103A, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$22 900, in the case of an individual.
- (b) \$114 900, in any other case.

**33—Amendment of section 104—Offence to advertise education and care service without service approval**

Section 104(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$6 800, in the case of an individual.
- (b) \$34 400, in any other case.

**34—Amendment of section 161—Offence to operate education and care service without nominated supervisor**

Section 161, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$5 700, in the case of an individual.
- (b) \$28 700, in any other case.

**35—Amendment of section 161A—Offence for nominated supervisor not to meet prescribed minimum requirements**

Section 161A, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$5 700, in the case of an individual.
- (b) \$28 700, in any other case.

**36—Amendment of section 162—Offence to operate education and care service unless responsible person is present**

Section 162(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$5 700, in the case of an individual.

- (b) \$28 700, in any other case.

### **37—Substitution of section 162A**

Section 162A—delete the section and substitute:

#### **162A—Child protection training**

The approved provider of an education and care service must ensure that each of the following persons have completed the child protection training (if any) required by or under the law of this jurisdiction, by government protocol applying to the approved provider in this jurisdiction or as otherwise required in this jurisdiction:

- (a) each nominated supervisor for the service;
- (b) each person in day-to-day charge of the service;
- (c) each family day care co-ordinator employed or engaged by the service.

### **38—Amendment of section 163—Offence relating to appointment or engagement of family day care co-ordinators**

Section 163(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$5 700, in the case of an individual.
- (b) \$28 700, in any other case.

### **39—Amendment of section 164—Offence relating to assistance to family day care educators**

Section 164(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$5 700, in the case of an individual.
- (b) \$28 700, in any other case.

### **40—Amendment of section 164A—Offence relating to the education and care of children by family day care service**

- (1) Section 164A(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$11 400, in the case of an individual.
- (b) \$57 400, in any other case.

- (2) Section 164A(2), penalty provision—delete the penalty provision and substitute:

Penalty: \$2 200.

**41—Amendment of section 165—Offence to inadequately supervise children**

- (1) Section 165(1), penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$11 400, in the case of an individual.
  - (b) \$57 400, in any other case.
- (2) Section 165(2), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.
- (3) Section 165(3), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.

**42—Amendment of section 166—Offence to use inappropriate discipline**

- (1) Section 166(1), penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$11 400, in the case of an individual.
  - (b) \$57 400, in any other case.
- (2) Section 166(2), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.
- (3) Section 166(3), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.
- (4) Section 166(4), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.

**43—Amendment of section 167—Offence relating to protection of children from harm and hazards**

- (1) Section 167(1), penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$11 400, in the case of an individual.
  - (b) \$57 400, in any other case.
- (2) Section 167(2), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.
- (3) Section 167(3), penalty provision—delete the penalty provision and substitute:  
Penalty: \$11 400.

**44—Amendment of section 168—Offence relating to required programs**

- (1) Section 168(1), penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$4 500, in the case of an individual.
  - (b) \$22 900, in any other case.

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- (2) Section 168(2), penalty provision—delete the penalty provision and substitute:

Penalty: \$4 500.

**45—Amendment of section 169—Offence relating to staffing arrangements**

- (1) Section 169(1), penalty provision—delete the penalty provision and substitute:

Penalty:

(a) \$11 400, in the case of an individual.

(b) \$57 400, in any other case.

- (2) Section 169(2), penalty provision—delete the penalty provision and substitute:

Penalty:

(a) \$11 400, in the case of an individual.

(b) \$57 400, in any other case.

- (3) Section 169(3), penalty provision—delete the penalty provision and substitute:

Penalty: \$11 400.

- (4) Section 169(4), penalty provision—delete the penalty provision and substitute:

Penalty: \$11 400.

- (5) Section 169(5), penalty provision—delete the penalty provision and substitute:

Penalty: \$11 400.

**46—Amendment of section 170—Offence relating to unauthorised persons on education and care service premises**

- (1) Section 170(2), penalty provision—delete the penalty provision and substitute:

Penalty:

(a) \$1 100, in the case of an individual.

(b) \$5 700, in any other case.

- (2) Section 170(3), penalty provision—delete the penalty provision and substitute:

Penalty: \$1 100.

- (3) Section 170(4), penalty provision—delete the penalty provision and substitute:

Penalty: \$1 100.

**47—Amendment of section 171—Offence relating to direction to exclude inappropriate persons from education and care service premises**

Section 171(2), penalty provision—delete the penalty provision and substitute:

Penalty:

(a) \$11 400, in the case of an individual.

(b) \$57 400, in any other case.



**48—Amendment of section 172—Offence to fail to display prescribed information**

- (1) Section 172—after "service" first occurring insert:  
(other than a family day care service)
- (2) Section 172—delete "positioned" and substitute:  
displayed, in the prescribed form (if any),
- (3) Section 172, penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$3 400, in the case of an individual.
  - (b) \$17 200, in any other case.
- (4) Section 172—after its present contents as amended by this regulation (now to be designated as subsection (1)) insert:
  - (2) An approved provider of a family day care service must ensure that the prescribed information about the following is displayed at the education and care service premises of the family day care service in accordance with the national regulations:
    - (a) the provider approval;
    - (b) the service approval;
    - (c) each nominated supervisor of the service;
    - (d) the rating of the service;
    - (e) any service waivers or temporary waivers held by the service;
    - (f) any other prescribed matters.  
Penalty:
  - (a) \$3 400, in the case of an individual.
  - (b) \$17 200, in any other case.

**49—Amendment of section 173—Offence to fail to notify certain circumstances to Regulatory Authority**

- (1) Section 173(1), penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$4 500, in the case of an individual.
  - (b) \$22 900, in any other case.
- (2) Section 173(2), penalty provision—delete the penalty provision and substitute:  
Penalty:
  - (a) \$4 500, in the case of an individual.
  - (b) \$22 900, in any other case.

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**50—Amendment of section 174—Offence to fail to notify certain information to Regulatory Authority**

- (1) Section 174(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

- (2) Section 174(2), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

**51—Amendment of section 174A—Family day care educator to notify certain information to approved provider**

Section 174A, penalty provision—delete the penalty provision and substitute:

Penalty: \$2 200.

**52—Amendment of section 175—Offence relating to requirement to keep enrolment and other documents**

- (1) Section 175(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

- (2) Section 175(3), penalty provision—delete the penalty provision and substitute:

Penalty: \$4 500.

**53—Amendment of section 176—Compliance directions**

Section 176(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$2 200, in the case of an individual.
- (b) \$11 400, in any other case.

**54—Amendment of section 177—Compliance notices**

Section 177(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$6 800, in the case of an individual.
- (b) \$34 400, in any other case.

**55—Amendment of section 178—Notice to suspend education and care by a family day care educator**

Section 178(7), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$6 800, in the case of an individual.
- (b) \$34 400, in any other case.

**56—Amendment of section 179—Emergency action notices**

Section 179(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$6 800, in the case of an individual.
- (b) \$34 400, in any other case.

**57—Amendment of section 187—Person must not contravene prohibition notice**

- (1) Section 187(1), penalty provision—delete the penalty provision and substitute:

Penalty: \$22 900.

- (2) Section 187(2), penalty provision—delete the penalty provision and substitute:

Penalty: \$22 900.

**58—Amendment of section 188—Offence to engage person to whom prohibition notice applies**

- (1) Section 188(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$22 900, in the case of an individual.
- (b) \$114 900, in any other case.

- (2) Section 188(2), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$22 900, in the case of an individual.
- (b) \$114 900, in any other case.

- (3) Section 188(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$22 900, in the case of an individual.
- (b) \$114 900, in any other case.

**59—Amendment of section 188A—False or misleading information about prohibition notice**

Section 188A, penalty provision—delete the penalty provision and substitute:

Penalty: \$6 800.

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**60—Amendment of section 196—Identity card**

- (1) Section 196(3), penalty provision—delete the penalty provision and substitute:

Penalty: \$1 100.

- (2) Section 196(5), penalty provision—delete the penalty provision and substitute:

Penalty: \$1 100.

**61—Amendment of section 207—Offence to obstruct authorised officer**

Section 207, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$9 100, in the case of an individual.  
(b) \$45 900, in any other case.

**62—Amendment of section 208—Offence to fail to assist authorised officer**

Section 208, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$9 100, in the case of an individual.  
(b) \$45 900, in any other case.

**63—Amendment of section 209—Offence to destroy or damage notices or documents**

Section 209, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$9 100, in the case of an individual.  
(b) \$45 900, in any other case.

**64—Amendment of section 210—Offence to impersonate authorised officer**

Section 210, penalty provision—delete the penalty provision and substitute:

Penalty: \$9 100.

**65—Amendment of section 217—Offence to fail to comply with notice or requirement**

Section 217, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$9 100, in the case of an individual.  
(b) \$45 900, in any other case.

**66—Amendment of section 218—Offence to hinder or obstruct Regulatory Authority**

Section 218, penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$9 100, in the case of an individual.
- (b) \$45 900, in any other case.

**67—Amendment of section 269—Register of family day care educators, co-ordinators and assistants**

- (1) Section 269(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

- (2) Section 269(2), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$2 200, in the case of an individual.
- (b) \$11 400, in any other case.

- (3) Section 269(3), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

- (4) Section 269—after subsection (3) insert:

- (4) The approved provider must keep the register in accordance with the prescribed requirements (if any).

Penalty:

- (a) \$4 500, in the case of an individual.
- (b) \$22 900, in any other case.

**68—Amendment of section 273—Duty of confidentiality**

- Section 273(1), penalty provision—delete the penalty provision and substitute:

Penalty: \$5 700.

**69—Amendment of section 295—False or misleading information or documents**

- Section 295(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$6 800, in the case of an individual.
- (b) \$34 400, in any other case.

**70—Amendment of section 297—Protection from reprisal**

- Section 297(1), penalty provision—delete the penalty provision and substitute:

Penalty:

- (a) \$11 400, in the case of an individual.

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(b) \$57 400, in any other case.

**71—Amendment of section 301—National regulations**

Section 301(4)(g)—delete "\$2000" and substitute:

\$2 200

**72—Amendment of section 322—Information retention and sharing**

Section 322(3), penalty provision—delete the penalty provision and substitute:

Penalty:

(a) \$4 500, in the case of an individual.

(b) \$22 900, in any other case.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

being satisfied that the amendments made by these regulations correspond, or substantially correspond, to amendments made by the Parliament of Victoria to the *Education and Care Services National Law* set out in the Schedule to the *Education and Care Services National Law Act 2010* of Victoria and that such amendments should be made to the *Education and Care Services National Law (South Australia)* and with the advice and consent of the Executive Council  
on 29 June 2023

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