



INFORMATION FOR STAFF OF LICENSED CHILDREN'S SERVICES

The *Children's Legislation Amendment Act 2008* received Royal Assent on 3 June 2008. The Act amends the *Child Wellbeing and Safety Act 2005* and *Children's Services Act 1996*, raising minimum standards and reducing the risk of harm to children being cared for in the absence of their parents. Some of the provisions in the Act have now commenced. The remaining new provisions will come into effect with the new Regulations by no later than 25 May 2009. Details of the provisions which have already come into force are included on the Children's Services Legislation Fact Sheet No.1

As a staff member of a licensed children's service, it's important that you are aware of the changes and how they may impact on you.

The Act requires proprietors and staff members to take every reasonable precaution to ensure that children are protected *from harm* and from any likely hazard to cause injury. (For more information see overleaf)

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT



This document is managed by the Department of Education and Early Childhood Development, Victoria (as of 27 August 2007)





The inclusion of harm in section 26 is new. Harm to a child may include, but is not limited to, serious incidents which could lead to trauma, injury requiring the attention of a medical practitioner or death. Taking precautions to protect children from harm in this context includes precautions against harm arising in educational and care settings from physical, sexual, emotional or psychological abuse and neglect.

Failure to take every reasonable precaution to protect a child in your care from hazards or harm attracts a fine to a maximum of 120 penalty units.

Disciplining a child in a way which is unreasonable in the circumstances attracts a fine up to a maximum of 120 penalty units.

Inadequate supervision of a child in your care attracts a fine up to a maximum of 120 penalty units.

The Act strengthens and clarifies the powers of the regulator and allows for Children's Services Advisors to ask questions and *obtain information from past or present staff members* about serious incidents. Evidence may be required to be given on oath or affirmation. *You will not be excused from answering a question on the grounds of self-incrimination, but what you say cannot be used against you except in proceedings under this new section.*

Failure to give information when requested, to the extent you are capable, attracts a fine up to a maximum of 120 penalty units.

Knowingly giving false or misleading information attracts a fine up to a maximum of 120 penalty units.

Your employer has been provided with more detailed information about changes in the legislation. Further information can be obtained from: **www.office-for-children.vic.gov.au/earlychildhood**

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