

## **Child Care Services (Family Day Care) Amendment Regulations 2011**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Child Care Services (Family Day Care) Amendment Regulations 2011*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.

### **3. Regulations amended**

These regulations amend the *Child Care Services (Family Day Care) Regulations 2006*.

### **4. Regulation 3 amended**

- (1) In regulation 3 delete the definitions of:

*current assessment notice*

*first aid qualifications*

*proposed supervising officer*

- (2) In regulation 3 insert in alphabetical order:

*first aid qualification* means a certificate or other document evidencing the successful completion of an approved first aid training course;

- (3) In regulation 3 in the definition of *place* delete paragraph (b) and insert:

- (b) in relation to a licence application, the place at which the licence applicant proposes to operate the service to which the application relates;

**5. Regulation 6 amended**

In regulation 6:

- (a) delete “first aid qualifications are” and insert:

a first aid qualification is

- (b) delete “applicant for a licence.” and insert:

applicant.

**6. Part 2 Division 2 heading replaced**

Delete the heading to Part 2 Division 2 and insert:

**Division 2 — Licence applications and renewal applications**

**7. Regulation 9 replaced**

Delete regulation 9 and insert:

**9. Documents and information to accompany licence application**

For the purposes of section 11(b) the following documents and information are prescribed —

- (a) a criminal record check on the licence applicant issued not more than 6 months before the date of the application;
- (b) a copy of the licence applicant’s qualification prescribed in regulation 6;
- (c) a statement by the licence applicant indicating the length of time that the applicant has been engaged in providing children’s, educational or human services;
- (d) a financial assessment in the approved form;
- (e) a site plan, drawn to a scale of not less than 1:500, showing the location of each building at the place;
- (f) a plan of the building or buildings at the place, drawn to a scale of not less than 1:100, showing the use to which each part of the building or buildings will be put;
- (g) if there is a swimming pool at the place, a statement by the licence applicant indicating whether or not the place complies with the

requirements of the *Building Regulations 1989*  
Part 10.

**10A. Documents and information to accompany renewal application**

For the purposes of section 22(2)(c) the following documents and information are prescribed —

- (a) a criminal record check on the renewal applicant issued not more than 6 months before the date of the application or evidence that a criminal record check has been applied for;
- (b) a financial assessment in the approved form;
- (c) a copy of the renewal applicant's qualification prescribed in regulation 6.

**8. Regulation 10 amended**

In regulation 10(3) delete “9(1)(f), (g) and (h).” and insert:

9(e), (f) and (g).

**9. Regulation 11 deleted**

Delete regulation 11.

**10. Part 2 Division 3 heading amended**

In the heading to Part 2 Division 3 after “**to**” insert:

**licence**

**11. Regulation 12 replaced**

Delete regulation 12 and insert:

**12. Referees**

- (1) If a licence application nominates referees for the licence applicant, those referees must include —
  - (a) a referee who knows the licence applicant and who has had experience in children's services; and
  - (b) a referee who is a previous employer of the licence applicant or who has worked with the licence applicant in a paid or unpaid capacity.
- (2) A person is not eligible to act as a referee for a licence applicant if the person is —

- (a) an employee of the licence applicant; or
- (b) married, or related (including by marriage), to the licence applicant; or
- (c) a de facto partner of the licence applicant; or
- (d) another licence applicant or an applicant for an approval under the *Child Care Services Regulations 2007* Part 3A.

**12. Regulations 13 and 15 deleted**

Delete regulations 13 and 15.

**13. Regulation 16 amended**

Delete regulation 16(2).

**14. Regulation 18 amended**

Delete regulation 18(1)(d).

**15. Regulation 22 amended**

In regulation 22(2) delete “a supervising” and insert:

the supervising

**16. Regulation 47 amended**

Before regulation 47(1) insert:

(1A) In this regulation —

*current assessment notice* means an assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1)(a) not more than 3 years before the material time;

*prescribed offence* means a Class 1 offence or a Class 2 offence, as those terms are defined in the *Working with Children (Criminal Record Checking) Act 2004* section 4.

**17. Regulation 54 amended**

Delete regulation 54(2)(l) and (m) and insert:

- (l) details of any —
  - (i) specific healthcare needs of the child, including any medical condition; and

- (ii) allergies, including whether the child has been diagnosed as at risk of anaphylaxis;
- (m) details of any plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (l);
- (n) details of any medication necessary for the management or treatment of a specific healthcare need, medical condition or allergy referred to in paragraph (l);
- (o) the immunisation status of the child;
- (p) any other relevant information relating to the child.

**18. Regulation 57 replaced**

Delete regulation 57 and insert:

**57. Record of attendance**

- (1) A licensee must ensure that a record of attendance is kept for each care session in accordance with the requirements of subregulations (2) to (5).  
Penalty: a fine of \$3 000.
- (2) The record of attendance must include the following —
  - (a) the time of arrival and the time of departure of each enrolled child;
  - (b) the signature of the person responsible for verifying the accuracy of the record.
- (3) The time of arrival must be entered in the record of attendance immediately after the child arrives at the place.
- (4) The time of departure must be entered in the record of attendance immediately before the child leaves the place.
- (5) The record of attendance must be retained for a period of 3 years after the day on which the record was made.

**19. Regulation 63 amended**

After regulation 63(1)(j) insert:

- (ka) the service practice and policy regarding the treatment of children experiencing an anaphylactic reaction;

**20. Regulation 80 replaced**

Delete regulation 80 and insert:

**80. Protection of enrolled children leaving place**

- (1) A licensee must ensure that an enrolled child does not leave the place during or at the end of a care session unless —
  - (a) the child is in the care of the child's parent or a person authorised by the child's parent; or
  - (b) in the case of an emergency, when a person referred to in paragraph (a) is not available, the child is in the care of a person authorised by the licensee or supervising officer, having due regard to the wellbeing of the child.
- (2) A licensee must ensure that the CEO is notified as soon as practicable if an enrolled child leaves the place in circumstances other than those referred to in subregulation (1)(a).

Penalty: a fine of \$3 000.

**81A. Medication**

- (1) If the enrolment form kept by a licensee under regulation 54(1) for an enrolled child contains details of medication referred to in regulation 54(2)(n), the licensee must ensure that a parent of the child is asked to provide the medication so that it is available for administration to the child.
- (2) A licensee must ensure that, except in an emergency, medication is not administered to an enrolled child without the written authority of a parent of the child specifying the name of the medication and the time, quantity and manner of administration of the medication.
- (3) Subregulation (2) does not apply to the self-administration of a non-prescription asthma inhaler.

Penalty: a fine of \$4 000.

**21. Regulation 81 amended**

Delete regulation 81(1) and (2).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

