

Child Care Services (Outside School Hours Care) Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Child Care Services (Outside School Hours 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 (Outside School Hours 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 outside school hours service to which the application relates;

5. Regulation 8 amended

- (1) In regulation 8(1) delete “applicant for a licence —” and insert:

applicant —

- (2) Delete regulation 8(2).

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. Regulations 11, 12 and 13 replaced

Delete regulations 11, 12 and 13 and insert:

11. Documents and information to accompany licence application

- (1) For the purposes of section 11(b) the following documents and information are prescribed —
- (a) in the case of an individual applicant —
 - (i) a criminal record check on the applicant issued not more than 6 months before the date of the licence application; and
 - (ii) a copy of each qualification prescribed in regulation 8(1) that is held by the applicant; and
 - (iii) information about the time spent by the applicant engaged in children’s or education services or in child development, administration and staff management;
 - (b) in the case of a corporate applicant, a criminal record check on each managerial officer of the applicant issued not more than 6 months before the date of the licence application;
 - (c) a financial assessment in the approved form;
 - (d) if the licence applicant is a company, a printout from the national database kept by the Australian Securities and Investments Commission containing up-to-date information obtained by the Commission about the company;

- (e) if the licence applicant is an incorporated association, a copy of the certificate of incorporation of the association;
 - (f) a site plan, drawn to a scale of not less than 1:500, showing the location of each building on the land comprising the place where the service is to be provided;
 - (g) 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;
 - (h) if the place has not previously been used for a child care service, any current certificate of classification relating to the place issued under the *Building Regulations 1989* Part 5.
- (2) Subregulation (1)(h) does not apply to a place that is owned by a public authority.

12. Documents and information to accompany renewal application

- (1) In this regulation —
relevant period means —
- (a) if the renewal application is the first renewal application in respect of the licence, the period since the licence was granted;
 - (b) in any other case, the period since the licence was last renewed.
- (2) For the purposes of section 22(2)(c) the following documents and information are prescribed —
- (a) in the case of a renewal application by an individual —
 - (i) 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; and
 - (ii) a copy of each qualification prescribed in regulation 8(1) that is held by the renewal applicant unless the qualifications held by the renewal applicant have not changed in the relevant period and the application is accompanied by a statement to that effect;
 - (b) in the case of a renewal application by a body corporate that is not a public authority, a criminal record check on each managerial

officer of 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;

- (c) a financial assessment in the approved form;
- (d) if the renewal applicant is a company, a printout from the national database kept by the Australian Securities and Investments Commission containing up-to-date information obtained by the Commission about the company unless that information has not changed in the relevant period and the renewal application is accompanied by a statement to that effect;
- (e) if the renewal applicant is an incorporated association, a copy of the certificate of incorporation of the association unless that certificate has not changed in the relevant period and the renewal application is accompanied by a statement to that effect.

8. Part 2 Division 3 heading amended

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

licence

9. Regulation 14 replaced

Delete regulation 14 and insert:

14. 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, educational, recreational or human 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.

10. Regulations 15 and 17 deleted

Delete regulations 15 and 17.

11. Regulation 18 amended

Delete regulation 18(2).

12. Regulation 20 amended

(1) Delete regulation 20(1)(f).

(2) In regulation 20(3):

(a) in paragraph (a) delete “CEO;” and insert:

CEO; and

(b) in paragraph (b) delete “officer; and” and insert:

officer.

(c) delete paragraph (c).

13. Regulations 27 and 28 deleted

Delete regulations 27 and 28.

14. Regulation 39 amended

Before regulation 39(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.

15. Regulation 47 amended

Delete regulation 47(2)(k) and (l) and insert:

(k) 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;
- (l) details of any plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (k);
- (m) details of any medication necessary for the management or treatment of a specific healthcare need, medical condition or allergy referred to in paragraph (k);
- (n) the immunisation status of the child;
- (o) any other relevant information relating to the child.

16. Regulation 50 replaced

Delete regulation 50 and insert:

50. 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.

17. Regulation 63 amended

- (1) In regulation 63(1):
 - (a) in paragraph (c) delete “current first aid qualifications; and” and insert:

a current first aid qualification; and

(b) after each of paragraphs (a) and (b) insert:

and

(2) In regulation 63(2):

(a) in paragraph (c) delete “current first aid qualifications; and” and insert:

a current first aid qualification; and

(b) after each of paragraphs (a) and (b) insert:

and

18. Regulation 64 amended

In regulation 64(1):

(a) in paragraph (b) delete “current first aid qualifications; and” and insert:

a current first aid qualification; and

(b) after paragraph (a) insert:

and

19. Regulation 81 amended

(1) In regulation 81(1) delete “is not permitted to” and insert:

does not

(2) In regulation 81(2) delete “the circumstances referred to in subregulation (1)(a)(ii).” and insert:

circumstances other than those referred to in subregulation (1)(a)(i) or (b).

20. Regulation 82A inserted

After regulation 81 insert:

82A. Medication

- (1) If the enrolment form kept by a licensee under regulation 47(1) for an enrolled child contains details of medication referred to in regulation 47(2)(m), 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 neither administered to an enrolled child nor self-administered by 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) A licensee must ensure that medication is not self-administered by an enrolled child without the direct supervision of a contact staff member.
- (4) Subregulation (3) does not apply to the self-administration of a non-prescription asthma inhaler.

Penalty: a fine of \$4 000.

21. Regulation 82 amended

Delete regulation 82(1), (2) and (3).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
