

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

Made by the Governor in Executive Council.

1. Citation

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

5. Regulation 7 amended

In regulation 7:

(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 10 replaced

Delete regulation 10 and insert:

10. 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 7;
- (c) a statement by the licence applicant indicating the length of time that the applicant has been engaged in providing children’s, educational or recreational services or in child development;
- (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.

11A. 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 7.

8. Regulation 11 amended

In regulation 11(3) delete “10(1)(f), (g) and (h).” and insert:

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

9. Regulation 12 deleted

Delete regulation 12.

10. Part 2 Division 3 heading amended

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

licence

11. Regulation 13 replaced

Delete regulation 13 and insert:

13. 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.

12. Regulations 14 and 16 deleted

Delete regulations 14 and 16.

13. Regulation 17 amended

Delete regulation 17(2).

14. Regulation 19 amended

Delete regulation 19(1)(d).

15. Regulation 23 amended

In regulation 23(2) delete “a supervising” and insert:

the supervising

16. Regulation 31 amended

Before regulation 31(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 38 amended

Delete regulation 38(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.

18. Regulation 41 replaced

Delete regulation 41 and insert:

41. 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 65 amended

- (1) In regulation 65(1) delete “is not permitted to” and insert:

does not

- (2) In regulation 65(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 66A inserted

After regulation 65 insert:

66A. Medication

- (1) If the enrolment form kept by a licensee under regulation 38(1) for an enrolled child contains details of medication referred to in regulation 38(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 the licensee or a supervising officer.
- (4) Subregulation (3) does not apply to the self-administration of a non-prescription asthma inhaler.

Penalty: a fine of \$4 000.

21. Regulation 66 amended

Delete regulation 66(1), (2) and (3).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
