

Child Care Services (Rural Family Care) Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Child Care Services (Rural Family 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 (Rural Family Care) Regulations 2010*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *approved*.
- (2) 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 rural family care service to which the application relates;

5. Part 2 Division 1 heading replaced

Delete the heading to Part 2 Division 1 and insert:

Division 1 — Licence application

6. Regulation 6 amended

- (1) Delete regulation 6(1).

- (2) In regulation 6(2) delete “an application for a licence” and insert:

a licence application

- (3) In regulation 6(3):

- (a) delete “application for a licence” and insert:

licence application

- (b) delete paragraphs (a), (b) and (c).

- (4) After regulation 6(3) insert:

- (4A) Each licence application by an individual applicant must also be accompanied by the following —

- (a) a criminal record check on the applicant issued not more than 6 months before the date of the application;
- (b) a copy of a current first aid qualification held by the applicant;
- (c) information about the time spent by the applicant engaged in any one or more of the fields of children’s services, education services, recreational services, child development, administration and staff management.

- (5) In regulation 6(4) delete “application for a licence” and insert:

licence application

7. Regulation 7 deleted

Delete regulation 7.

8. Part 2 Division 2 heading replaced

Delete the heading to Part 2 Division 2 and insert:

Division 2 — Renewal application

9. Regulation 9 replaced

Delete regulation 9 and insert:

9. Renewal application — required documents and information

- (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) This regulation prescribes documents and information that are to accompany a renewal application for the purposes of section 22(2)(c).
- (3) Each renewal application by an individual must be accompanied by the following —
- (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 copy of a current first aid qualification held by the renewal applicant;
 - (c) a financial assessment in the approved form.
- (4) Each renewal application by a body corporate that is not a public authority must be accompanied by the following —
- (a) a criminal record check on each managerial officer issued not more than 6 months before the date of the application or evidence that a criminal record check has been applied for;
 - (b) in the case of 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;
 - (c) in the case of an incorporated association that has undergone a change of name since the licence was granted or last renewed — 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;
 - (d) a financial assessment in the approved form.

10. Part 2 Division 3 deleted

Delete Part 2 Division 3.

11. Regulation 12 amended

Delete regulation 12(2).

12. Regulations 14 and 15 deleted

Delete regulations 14 and 15.

13. Regulation 18 amended

Before regulation 18(1) insert:

(1A) In this regulation —

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.

14. Regulation 29 replaced

Delete regulation 29 and insert:

29. Medication

(1) If the enrolment form kept by a licensee under regulation 74(1) for an enrolled child contains details of medication referred to in regulation 74(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.

Penalty: a fine of \$4 000.

(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.

Penalty: a fine of \$4 000.

(3) Subregulation (2) does not apply to the self-administration of a non-prescription asthma inhaler.

15. Regulation 70 amended

After regulation 70(1)(j) insert:

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

16. Regulation 74 amended

Delete regulation 74(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.

17. Regulation 84 replaced

Delete regulation 84 and insert:

84. 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.

Penalty: a fine of \$6 000.

- (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.

18. Regulation 86 amended

Delete regulation 86(1)(a) and insert:

- (a) a material change in any information included in, or accompanying, the licence application or any renewal application, as the case requires;

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
