

Child Care Services (Child Care) Amendment Regulations (No. 3) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Child Care Services (Child Care) Amendment Regulations (No. 3) 2012*.

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 after that day.

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3 delete the definition of *service* and insert:

service means a child care service;

5. Regulation 6 replaced

Delete regulation 6 and insert:

6. Child care services: section 4

- (1) For the purposes of section 4, the age of 15 years and 6 months is prescribed.
- (2) For the purposes of section 4(b), the services described in the *Education and Care Services National Regulations 2012* regulation 5(2)(c), (h) and (k) are prescribed as types of services to which the Act applies.

6. Regulations 106 and 107 inserted

After regulation 105 insert:

106. Licences in force immediately before 1 August 2012

(1) In this regulation —

2012 amending regulations means the *Child Care Services (Child Care) Amendment Regulations (No. 3) 2012*;

old licence means a licence that —

- (a) was in force immediately before scheme commencement day; and
- (b) authorised the provision of a service that, after the commencement of the 2012 amending regulations, is a child care service;

scheme commencement day has the meaning given for Western Australia in the *Education and Care Services National Regulations 2012* regulation 4(1).

- (2) If the period for which an old licence was expressed to have effect ended before, or ends not more than 30 days after, the commencement of the 2012 amending regulations, then that licence continues to have effect for the period of 30 days after the commencement of the 2012 amending regulations.
- (3) If the period for which an old licence was expressed to have effect ends more than 30 days after the commencement of the 2012 amending regulations, then that licence continues to have effect until the end of the period for the licence was expressed to have effect.
- (4) Despite subregulations (2) and (3), a licence does not continue to have effect when it is suspended or has been cancelled or surrendered.

107. Certain new child care services taken to be licensed for a period of time

(1) In this regulation —

2012 amending regulations means the *Child Care Services (Child Care) Amendment Regulations (No. 3) 2012*;

new service means a service that —

- (a) was being provided immediately before the commencement of the 2012 amending regulations; and
- (b) was not a child care service immediately before scheme commencement day; and
- (c) is a child care service immediately after the commencement of the 2012 amending regulations;

scheme commencement day has the meaning given for Western Australia in the *Education and Care Services National Regulations 2012* regulation 4(1).

- (2) A person who makes a licence application —
- (a) for a licence authorising the person to provide a new service of a type specified in the application at a place specified in the application; and
 - (b) during the period of 60 days commencing on the day on which the 2012 amending regulations come into operation,

is, from the time the application is made until the application is determined, to be taken to hold a licence authorising the person to provide a service of the type specified, at the place specified, in the application.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
