

**Government of Western Australia
Department for Communities**

CHILD CARE SERVICES AMENDMENT BILL 2011

A Bill for an Act to amend the
Child Care Services Act 2007
and to consequentially amend the
Working with Children (Criminal Record Checking) Act 2004.

EXPLANATORY MEMORANDUM

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Background

The Child Care Services Amendment Bill 2011 is the first stage in the regulatory reform program being carried out by the Department for Communities to update the regulatory environment for child care services and better protect children in licensed child care services.

This program began with an extensive consultation process undertaken across Western Australia, including across all stakeholders groups and rural and metropolitan areas. More than 1100 service providers, parents and stakeholders have participated.

On 7 December 2009, the *National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care* was signed at a meeting of the Council of Australian Governments. Work then began on the development of national legislation for Education and Care services as part of the implementation of the National Quality Framework. The proposed Western Australian version of the national legislation for Education and Care services is currently being developed and will form the second stage in the regulatory reform program.

The Child Care Services Amendment Bill 2011 will also act to underpin the transition to the national legislation for Education and Care services and provide a stronger legislative framework in Western Australia for those services that will be out of scope of the national legislation. These child care services will remain under the *Child Care Services Act 2007*, as amended.

The objective of the Child Care Services Amendment Bill 2011 is to further enable the objective of the *Child Care Services Act 2007* which is to protect and promote the best interests of children in licensed child care services.

The amendments being proposed here relate to:

- clarifying the definition of managerial officer and reducing regulatory burden for services
- broadening the original and review jurisdiction of the State Administrative Tribunal and updating and broadening the range of compliance measures available to the CEO to go beyond suspension and cancellation of a licence
- enhancing authorised officers' investigative powers to allow better investigation into allegations of concern in licensed child care services
- amending the connection between the application and assessment process for a child care licence and the regulatory requirements for the assessment of a Supervising Officer, to establish a more thorough consideration of the fitness of a Supervising Officer to be in day to day control of a service licensed to provide care for children.

The opportunity has also been taken to amend the use of language within some sections of the Act to clarify the intent consistent with the above amendments and to improve the readability of the Act.

Clause notes:

The Child Care Services Amendment Bill 2011 comprises three parts.

The three parts consist of a preliminary part, a part setting out the amendment provisions, and a part containing the consequential amendments.

Part 1 – Preliminary

Clause 1 Provides that the short title of the Bill (when enacted) is to be the *Child Care Services Amendment Act 2011*.

Clause 2 Provides for the commencement of the Law.

Clause 2 (a) and (b) provide that Part 1 will be operational on the day the Act receives Royal Assent and the remainder of the Parts will be operational on proclamation, different days may be fixed for different provisions.

Part 2 – Child Care Services Act 2007 – Amended

Clause 3 Provides that this Part amends the *Child Care Services Act 2007*.

Clause 4(1) Amends section 3 - deleting a list of definitions to make way for the new definitions in Clause 4(2).

Clause 4(2) Amends section 3 - inserting a list of definitions applicable to the amendments proposed in this Bill.

Clause 4(3)(a) Amends section 3 - Amends the definition of *criminal record check* to insert 'Western Australian Police Force'.

The effect of this amendment is to remove confusion over who issues the criminal record check.

Clause 4(3)(b) Amends section 3 – Amends the definition of *criminal record check* to include the words “summarises in a manner acceptable to the CEO”.

The effect of this amendment is to reduce regulatory burden by allowing the CEO to accept criminal record checks that summarise a person’s record. The CEO still retains power to request a more detailed criminal record check if that is required

Clause 4(4) Amends section 3 – Amends the definition of *family day care service*.

The effect of this amendment is to clarify that the definition of the Family Day Care service under this law is that the service is provided by an individual.

Clause 4(5) Amends section 3 – Amends the definition of *individual applicant*.

The effect of this amendment is to clarify the intent of the licence application process and differentiate between a licensing application and the development of regulations for application for related licensing processes such as the planned certification of Supervising Officer.

Clause 4(6) Amends section 3 – Amends the definition of *usual occupant*.

The effect of this amendment is to make clear the intent of the request for information as to who will be present in the family home during the operation of the licensed family day care service. The request is for the purposes of assessment of the licence application.

Clause 5 Inserts a new section 5A – a new definition of *Supervising Officer*.

The effect of this amendment is to aid in the identification of the individual occupying this pivotal role within a licensed child care service.

This revised definition will underpin planned amendments to the relevant regulations. The combined amendments separate the approval of the supervising officer from the licensing process, as recommended by the Child Care Regulations Consultative Committee (2009), and anticipates the separate certification of supervising officers under the national education and care laws due to commence in January 2012.

Clause 6 Retitles Part 2 Division 2 to refer to 'licence application' rather than 'application'.

The effect of this amendment is to clarify the intent of the Division as relating to the licence application process and provide consistency with wording changes through this Bill which is to differentiate between a licensing application and the regulations for related licensing processes.

Clause 7 Amends section 11 to refer to 'licence application' rather than 'application'.

This amendment is consistent with clause 6 above.

Clause 8(1) Amends section 12(1) to refer to 'licence application' rather than 'application'.

This amendment is consistent with clause 6 above.

Clause 8(2) Deletes section 12(2) and inserts a revised definition removing reference to the supervising officer as being subject to the requirements.

Planned amendments to the relevant regulations will provide for separate approval of the supervising officer.

Clause 8(3) Amends section 12(3) to clarify the intent of the licence application process.

This amendment is consistent with clause 6 above.

Clause 8(4) Amends section 12(4) to clarify the intent of the licence application process.

This amendment is consistent with clause 6 above.

Clause 9(1) Amends section 14(1) to clarify the intent of the licence application process.

This amendment is consistent with clause 6 above.

Clause 9(2) Deletes section 14(2) and inserts a new clause for the general restrictions on the grant of a licence.

The effect of this amendment is to encompass the proposed new Clause 29 which provides for increasing the scope of the State Administrative Tribunal consistent with the recommendation of the Recommendation 57 of the Standing Committee on Legislation's Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal Report (May 2009, page 414).

Clause 9(3)(a) Deletes section 14(3) and amends the general restrictions on the granting of a licence by the CEO, to provide the CEO with the power to fully assess the applicant's ability to operate a child care service in accordance with the Act and any conditions on the licence.

This amendment is sought following a number of recent cases where the capability of the child care provider has been questioned or shown to be compromised. The amendment will allow for better screening of child care licence applicants.

Clause 9(3)(b) Section 14(2)(d) of the Act currently requires the CEO or his delegate to be satisfied that an applicant is "of sound financial reputation and stable financial background". This requirement must also be met on renewal, and failure to satisfy the requirement at any time may be a ground for cancellation of the licence. The current requirement poses difficulties for an applicant that is a new corporation or a new would-be family day carer without a financial reputation.

The effect of this amendment is to allow for a targeted assessment relevant to the service type the licence applicant proposes to offer and so will allow for better screening of child care licence applicants.

Clause 9(3)(c) Provides the CEO with the broad power to assess the place proposed for the relevant service, and allows the CEO to tailor the assessment to the proposed service type and the context of the service.

Clause 10 Deletes sections 15, 16 and 17 and inserts new sections 15 and 16.

The new section 15 relates to an individual applicant:

15(1) updates the restrictions on grant of licence to an individual applicant to include a reference to the proposed new section 29 and 30, prohibiting the grant of a licence to an individual who has previously been disqualified from being a managerial or supervising officer in a licensed child care service.

15(2) establishes additional criteria for the CEO when making the decision on the fitness of an individual to hold a child care licence. Consistent with current regulation 88 of the *Child Care Services (Family Day Care) Act 2006*, it also provides for the assessment of fit and proper status of each usual adult occupant in the household while the family day care service is being provided.

The new section 16 relates to a corporate applicant:

16(1) updates the restrictions on grant of licence to an individual applicant to include a reference to the proposed new section 29 and 30, prohibiting the granting of a licence to an individual who has previously been disqualified from being a managerial officer of a corporate licensee.

16(2) establishes additional criteria for the CEO when making the decision on the fitness of each managerial officer of a corporate applicant to be involved in the provision of a licensed child care service.

Clause 11 Amends section 21(1) to alter the clause referencing to the matters which may limit the duration of a licence, including suspension or cancellation.

The effect of this amendment is to provide for the new clause 29 which provides the State Administrative Tribunal with an expanded vocational licensing jurisdiction over child care licensing matters.

Amends section 21(2) and (3) to allow the CEO to extend the licensing of a service beyond the expiration date if another application has been received, to allow the service to continue to operate while the new application is determined.

The effect of this amendment is to protect the continuity of the service where the licence application is still under consideration. This is in circumstances where there is no significant concern over the quality of the service; rather it is to allow for an administrative process to take place.

- Clause 12 Amends section 22 to empower the CEO to waive a requirement for all or any of the prescribed documents and information in exceptional circumstances, and when satisfied of the requirements of the Act by other means.

The effect of this amendment is to overcome current problems caused by the inflexibility of the requirements in the current sections 22(2)(c) that applications for renewal of licence *must* be “accompanied” by the prescribed documents and information.

- Clause 13 Inserts a new section (23A) to support the amended section 22 by allowing the CEO to ask for any further information the CEO considers relevant, and to allow the CEO to delay the decision making until the request for further information is complied with.

The CEO is required to make a decision as to the fit and proper nature of the applicant in the provision of a licenced child care service; this new amendment is essential to support this process.

- Clause 14 Amends section 23(a) to account for the new clause numbering in clauses 14, 15, and 16 and for the deletion of clause 17.

Amends 23(b) to provide that the CEO must not renew the licence if the licensee has persistently or frequently contravened the Act.

23(c) amends the wording to specify the wording to an application for licence renewal and is consistent with clause 6 above.

- Clause 15 Retitles Part 2 Division 6 to reflect that the Division is now concerned with broader compliance and enforcement matters beyond the suspension and cancellation of licences.

The Act currently provides the State Administrative Tribunal with a very limited original vocational licensing jurisdiction with respect to child care licensees, that being to cancel licences in certain very limited circumstances.

The effect of amendments to this Division will provide the Tribunal with an expanded original vocational licensing jurisdiction over childcare licensing matters. The Tribunal is empowered to impose a variety of disciplinary actions on licensees on proof of various grounds by the CEO on application to the Tribunal. These would include breaches of regulations, which are currently prosecuted as criminal charges

in the Magistrates Court. This would mean that child care licensees would be treated in a similar fashion to many other licensed vocations.

Clause 16 Deletes section 25 and inserts a new section 25 providing the CEO with the power to suspend the licence where there are reasonable grounds to believe that the continued operation of the child care service would pose an unacceptable risk to the children at the service.

The effect of amendments to this section is to provide a clear process under which the suspension is made and provides the licensee with the rationale for the suspension, opportunity to address or remove the risk, and provides for the initiation of proceedings to have the matter heard in the State Administrative Tribunal.

Clause 17 Deletes section 26.

Clause 18 Deletes section 27 and inserts 27(1) which clarifies the power of the CEO to revoke the suspension adding the additional power to allow this to occur if the CEO is satisfied that it is appropriate to do so in the circumstances of the case.

The effect of this amendment is to provide the CEO with the power to respond rapidly to a positive change of circumstances related to the provision of a child care service.

Clause 19 Amends section 28 to clarify the process under which the suspension is revoked.

The effect of this amendment will also allow for an application to be made to the State Administrative Tribunal for a review of the CEO's decision to suspend the licence.

Clause 20 Deletes section 29 and inserts a new section 29 consistent with clause 15, providing for a broader compliance focus than simply suspension or cancellation of licence.

29(1) and (2) empowers the State Administrative Tribunal to take disciplinary action against licensees for breaches of the Act, breaches of the regulations, and breaches of undertakings.

29(3) empowers the CEO to allege to the State Administrative Tribunal that there is proper cause for disciplinary action to be taken against a licensee.

29(4) empowers the State Administrative Tribunal to impose various disciplinary actions on the licensee, including:

- reprimands
- pecuniary penalties (fines)

- requiring the licensee to refund fees paid by parents of enrolled children or fees or contributions paid by other entities in respect of children enrolled with the licensee's service, such as the Commonwealth
- requiring the licensee to comply within a specified period with a requirement specified by the Tribunal
- requiring appropriate education or training to be undertaken
- attaching or amending conditions to a licence,
- temporary suspensions or cancellation of a child care licence
- disqualification from holding a licence or from being concerned in the direction, management or conduct of a licensee of a child care service
- any other action the Tribunal is already able to take under the *State Administrative Tribunal Act 2004*, including injunctions.

29(5) empowers the CEO to allege to the State Administrative Tribunal that there is proper cause for disciplinary action to be taken against a person who was a licensee when the conduct the subject of an inquiry allegedly occurred but who is no longer a licensee.

Inserts a new section 30A to set out the maximum penalty for an offence and limits the imposition of a penalty to either the State Administrative Tribunal or the Court, not both, in respect of the same act.

Inserts a new section 30B as an administrative provision to allow the cancellation of a licence where the CEO is satisfied the service no longer operates. This amendment prevents resources being allocated to the review of services which are closed.

Inserts a new section 30C which allows for disciplinary action to be taken against a managerial officer (a person with some managerial control). It reflects the provisions for similar action against the licensee as outlined in 29(4) discussed above.

Inserts a new section 30D which makes it an offence to employ a managerial officer who is disqualified.

Clause 21 Amends the definition of licensing decision to allow for the CEO to amend or refuse to amend a licence.

Clause 22 Amends section 32 by allowing the CEO to ask for any further information relevant to an application to amend a licence that the CEO considers relevant, and to allow the CEO to delay the decision making until the request for further information is complied with.

The effect of this amendment is to support the CEO to make a decision on an application for amendment of the licence and is consistent with clause 13 above.

Clause 23 Amends section 38 to remove specific reference to Commonwealth agencies by current name and instead refer to those agencies by function and jurisdiction.

Regulation 5A of the *Child Care Services Regulations 2007* was prescribed in November 2007. Regulation 5A is currently rendered partly ineffective because the Commonwealth Department of Employment, Education and Workplace Relations (“DEEWR”) has taken over FaHCSIA’s jurisdiction in child care.

38(2) is amended on the advice of the State Solicitor to facilitate the sharing of information between agencies.

38(3) updates the language of the provision replacing ‘law of this state’ to ‘written law’.

38(4) inserts a new provision to retain the current limit of protection provided for disclosure of information in accordance with the Act and in good faith.

The effect of this amendment is to ‘future proof’ the section against future agency name changes and to facilitate information exchange between agencies described.

Clause 24 Amends section 40 to clarify the current process by which departmental officers may be drawn on to respond to the needs of the agency responsible for the administration of this Act.

The provision should empower officers of other public authorities in the company of a licensing officer to be drawn on to respond to the needs of the agency responsible for the administration of this Act.

24(2) and (3) clarify the wording for the provisions describing the manner in which the licensing officer will identify themselves when exercising their role under the Act.

Clause 25 Inserts a new section (41A) clarifying the functions of the licensing compliance staff

- to monitor compliance with the Act
- investigate compliance with licence terms or conditions under the Act
- check if all employed contact staff have a Working With Children card or have applied for one (Ref sections 22–25 in the *Working With Children (Criminal Record Checking) Act 2004*)

Including the reference to the WWC Act would enable licensing officers to check that childcare staff members and their employing licensee are complying with the *Working With Children (Criminal Record Checking) Act 2004* requirements that they hold a current assessment notice. This avoids the need for the childcare regulations also to require the holding of a Working With Children check.

- investigate suspected contraventions of the Act can include such functions as investigating whether there are reasonable grounds for believing there might be an unacceptable risk to the children for whom the service is provided or to assist an investigation by another public authority to obtain “relevant information”.

The effect of this amendment and those to follow clarifies the functions of the licensing officers.

Clause 26 Deletes Part 4 and replaces it with a new Part 4 – Compliance and enforcement (including section 42) which outlines the power of the licensing officer to enter (and inspect) with the consent of the occupier or with an entry warrant any place in which or from which a licensed childcare service is provided. This would include licensed places, but should also include places to which enrolled children are taken on excursion, and, given the definition of “place” in the Act, would include vehicles.

The current Section 42 of the Act replicates the now repealed section 231 of the *Children and Community Services Act 2004* which in turn replicated Section 17E of the now repealed *Community Services Act 1972*, inserted into that Act in 1987. Thus Section 42 has effectively remained unchanged for over 20 years.

The child care industry however has moved over that time from a “cottage industry” to one attracting millions of dollars in investment. The industry is becoming increasingly “corporatised”.

43A provides licensing officers with the power necessary to obtain evidence. Compliance action whether by prosecution or by application to the Tribunal must be justified by sufficient admissible evidence to satisfy the relevant standard of proof. Section 42 as currently exists does not provide licensing officers with the power necessary to obtain such evidence.

43B provides a broad power to require persons to provide oral or written answers to questions, information and documents, and the exercise of this power should not be limited to licensed places and persons at licensed places, but by oral or written demand of any person who may

assist the investigation. The power includes the ability to set a reasonable deadline by which such information must be provided, and a place at which the information must be provided. The power should not be limited to requiring records the licensee is obliged by the regulations to keep, but should extend to requiring any kind of document that may provide evidence of compliance or non-compliance with the Act.

43C provides the licensing officer with the powers necessary to obtain access to records for the purposes of an investigation, updating the current language of the Act to meet the needs of operating in a modern business environment.

43D provides for a penalty should a person without reasonable excuse, fail to comply with the direction of a licensing officer made in the carrying out of their functions under this Act.

43E supports those involved in the exercise of power by the licensing officer through enabling the recording of the licensing officer function

43F enables a licensing officer exercising the power and functions under the Act to authorise other people to assist in exercising the power as are reasonably necessary in the circumstances. The person assisting the licensing officer under this clause is taken to be performing a function under the Act and is constrained by the requirements of the Act.

43G requires a licensing officer exercising the power and functions under the Act who seizes or secures any article for the purposes of those functions, to provide protection for the article, giving a receipt to the owner. The clause also prohibits any person from tampering with the article without the approval of the licensing officer.

43H applies the *Criminal and Found Property Disposal Act 2006* in respect of anything that is seized under the Act.

43I, 43J, 43 K and 43L empowers a licensing officer to apply to a Justice of the Peace for an entry warrant authorising the entry of a place for compliance purposes. The clauses outline the process for application for a warrant, requiring consideration of the reason for the warrant and allowing for refusal of the warrant by the Justice of the Peace should they feel it is not warranted.

The clauses also allow for an application to be made in emergency or remote circumstances.

43M, 43N, and 43O introduce another new provision to broaden the compliance scope of the Act beyond simply

suspension and cancellation of a licence. The clauses define the purpose of the compliance notice, its form, penalties in the case of contravention of the notice, but also provide an opportunity to have the decision to give a compliance notice reviewed by the State Administrative Tribunal.

The effect of these amendments is to provide the CEO with a regulatory tool that will assist with encouraging compliance with the Act for lower order offences, in an efficient manner while ensuring actions are taken to rectify the particular issue in the licensed child care service.

43P and 43Q provide clarification for the CEO in the initiation of legal proceedings and their production of evidentiary certificates.

The insertion of 43 clarifies that a person is not excused from complying with a direction under section 43B(1)(a) to give information, answer a question or produce a record or document on the grounds that complying with the direction might tend to incriminate the person or render the person liable to a penalty.

However, the clause provides protection for the individual ensuring that when in providing information in compliance with such a direction, the information is not admissible in evidence against the individual in proceedings under Part 2 Division 6 or in criminal proceedings other than proceedings for perjury or for an offence under section 49.

This is consistent with the provisions already available under the current 42(1)(c) and 42(2), but clarifies these provisions. Recent case history has identified the need for these provisions to be clarified to establish the truth of the matter under investigation and therefore to ensure the safety of the children.

The new section 44 clarifies that these amendments are in addition to and do not affect the operation of the *Evidence Act 1906*.

Clause 27 Inserts a new section (45A) which details the powers of the CEO to publish information about child care services, licensees or other persons involved in the provision of a service and matters that adversely affect the children at the service if it is in the public interest to do so.

The effect of this amendment is that the power should only be exercised if the CEO is satisfied it is in the public interest to do so, and in such circumstances the CEO and Department would be protected from the threat of legal liability in the making of such statements.

Clause 28 Amends section 45 to clarify the conditions under which a gazetted exemption for a specified child care service or service

type may occur and provides for a penalty should that gazetted exemption be contravened.

Clause 29 Amends section 49 to clarify the grounds on which a person can be found to have provided false or misleading information under the Act. Currently section 49 only applies “in, or in relation to, an application or other document prepared for the purposes of the Act”. But if a staff member lied to licensing staff about an issue concerning the licensee’s compliance with a regulation or with the Act, this would not breach section 49, because the statement would not be in relation to an application or other document.

The effect of the amendment to Section 49 is to capture any knowingly false or misleading statement made to the CEO or a licensing officer in relation to a child care licensing issue.

Clause 30 Amends section 50, to simplify the wording to ensure that any person engaged in the performance of functions under the Act must only disclose information obtained in the course of their functions, for the purpose of proceedings under the Act.

Clause 31 Inserts a new section (51A) providing for the CEO to be able to require a statutory declaration to verify any documentation or information provided to the service.

This amendment will ensure that, where the CEO requests information in any function under this Act, it can be verified. It will provide support for circumstances such as those under clause 12 where the CEO is able to waive a requirement for any of the prescribed documents and information in exceptional circumstances, and when satisfied of the requirements of the Act by other means.

Clause 32 Amends section 51 to provide protection for the State to ensure that it is also relieved of any liability for anything done in good faith under this Act.

This provision has its origins in section 246 of the *Children and Community Services Act 2004*, which, prior to 2007, regulated child care. When the government of the day decided to split the then Department for Community Development into the Department for Child Protection and Department for Communities, the child care regulator, Part 8 of the 2004 Act was repealed and its provisions included in the Child Care Service Act 2007, together with other provisions from the 2004 Act necessary for administration of the system. Section 246 of the 2004 Act was essentially replicated as section 51 of this Act.

Section 246 of the 2004 Act was designed to allow those harmed while in State care to sue the State for damages for the payment of medical expenses, loss of income, loss of

opportunity etc. Sadly this eventuality can occasionally arise in the case of child protection.

In the case of a licensing regulator, the most likely suit would be for defamation over unjustified statements damaging a licensee's reputation and goodwill. If the licensee can prove it is more likely than not that any statement was not made "in good faith", 50(3) would still not prevent the licensee successfully suing. It would be similar for any other kind of tort.

These amendments brings this legislation into line with other comparable legislation in this state such as the *Fair Trading Act 2010*, *Association Incorporation Act 1987* and various other regulatory statutes.

Clause 33 Inserts a new section (53A) providing for the regulations to adoption of any text.

This clause will facilitate the adoption of National Quality Standards and other related texts into the regulations, ensuring consistency of referencing to these essential texts.

Clause 34 Inserts a new heading

Division 1 — Provisions relating to repeal of *Children and Community Services Act 2004* Part 8.

Clause 35 Amends section 54

The effect of this amendment and the further insertion of terms used clarifies the structure of the clause.

Clause 36 Amends section 55

This amendment clarifies the structure of the clause.

Clause 37 Amends section 61. This amendment clarifies the structure of the clause.

Clause 38 Inserts a new heading

Division 2 — Provisions relating to *Child Care Services Amendment Act 2011*

62A clarifies that these amendments are in addition to and do not affect the application of the *Interpretation Act 1984* Part V.

62B provides that an appointment as a Licensing Officer under section 40(1) of the current *Child Care Services Act 2007* is to be taken as a designation under the amended section 40(1).

62C outlines the transitional provisions whereby the Supervising Officers under the current *Child Care Services Act*

2007 are taken to be approved for the purposes of the new section 5A.

62D outlines the transitional provisions whereby an existing suspension will continue to have effect under the amendments until the suspension is revoked, or the licence is cancelled, expires or is suspended.

62E defines a *transitional matter* and declares that in the absence of a specific arrangement for a transitional provision, the regulations made under the Act may prescribe anything that is required, necessary or convenient to deal with the matter. 62E further clarifies the constraints under which this remedy may or may not be applied.

Clause 39 Amends Schedule 1 [s.52(2)] – Purposes for which regulations may be made:

39(1) removes the matters of applications for licences and amending of licences now to be dealt with under new item 7.

39(2) simplifies the wording of the item to refer to the applications made under the Act rather than those made by an applicant.

39(3) deletes item 7 and replaces it with a new item expanding the regulation purposes to include the making of applications, and the suspension or cancellation of approval. It also allows for regulations to be made on the matters which the CEO must consider before giving approval including qualifications, training or experience of applicants.

Part 3 – *Working with Children (Criminal Record Checking) Act 2004* – Amended

Clause 40 Amends the *Working with Children (Criminal Record Checking) Act 2004*.

Clause 41 Amends section 38(3)(b) Delete the term ‘nominated supervising officer’ as this is a redundant title in the child care services sector and deleted in clause 4(2) above. The term ‘supervising officer’, is already in place in section 38.

