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CHILDREN AND COMMUNITY SERVICES ACT 2004

**CHILDREN AND COMMUNITY SERVICES (OUTSIDE
SCHOOL HOURS CARE) AMENDMENT REGULATIONS
2006**

**CHILDREN AND COMMUNITY SERVICES AMENDMENT
REGULATIONS 2006**

**CHILDREN AND COMMUNITY SERVICES (EARLY
CHILDHOOD CARE) AMENDMENT REGULATIONS 2006**

**CHILDREN AND COMMUNITY SERVICES (SCHOOL AGE
FAMILY DAY CARE) AMENDMENT REGULATIONS 2006**

**CHILDREN AND COMMUNITY SERVICES (EARLY
CHILDHOOD FAMILY DAY CARE) AMENDMENT
REGULATIONS 2006**

WORKING WITH CHILDREN (CRIMINAL RECORD CHECKING) ACT 2004

**WORKING WITH CHILDREN (CRIMINAL RECORD
CHECKING) AMENDMENT REGULATIONS (No. 2) 2006**

Children and Community Services Act 2004

Children and Community Services (Outside School Hours Care) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services (Outside School Hours Care) Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Children and Community Services (Outside School Hours Care) Regulations 2006**.

[* *Published in Gazette 18 January 2006, p. 289-351.*]

3. Regulation 3 amended

Regulation 3 is amended by deleting the definitions of “enrolled child” and “outside school hours care service” and inserting the following definitions instead —

“

“**enrolled child**”, in relation to an outside school hours care service, means a child for whom the service is provided;

“**outside school hours care service**” means a child care service provided outside school hours for children of school age or kindergarten children but does not include an outside school hours family day care service as defined in the *Children and Community Services (Outside School Hours Family Day Care) Regulations 2006* regulation 3;

”

4. Regulation 4 replaced

Regulation 4 is repealed and the following regulation is inserted instead —

“

4. Meaning of “school age”

A child is of “**school age**” in a particular year if the child —

- (a) has reached 5 years and 6 months of age or will reach 5 years and 6 months of age in that year; and
- (b) is under 15 years and 6 months of age.

”

5. Regulation 88 inserted

After regulation 87 the following regulation is inserted —

“

88. Continued operation of service in certain circumstances

- (1) In an emergency situation or in circumstances where the licence for the outside school hours care service is suspended or cancelled, the CEO may, in writing, authorise a person to continue to operate a service for a period specified in the authorisation.
- (2) The period specified in the authorisation must not be longer than 3 months.
- (3) A person authorised under subregulation (1) is to be taken to be the licensee for the purposes of the Act and the regulations.

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

Children and Community Services Act 2004

**Children and Community Services Amendment
Regulations 2006**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Children and Community Services Regulations 2006**.

[* *Published in Gazette 18 January 2006, p. 353-72.*]

3. Regulation 22A inserted

After regulation 22 the following regulation is inserted —

“

22A. Age prescribed for s. 198(1)

The age of 15 years and 6 months is prescribed for purposes of section 198(1).

”

4. Regulation 23 amended

(1) Regulation 23(1) is amended as follows:

- (a) by deleting the full stop at the end of the definition of “first aid qualifications” and inserting a semicolon instead;
- (b) by inserting the following definition —

“

“**secondary programme**” has the meaning given to that term in the *School Education Regulations 2000* regulation 3(1).

”

- (2) After regulation 23(4) the following subregulations are inserted —

“

- (5) Care provided to a child is excluded from the application of section 198(1) if the care is provided solely for the purposes of —
- (a) the child's participation in religious instruction or sporting, educational, recreational or cultural events or activities; or
 - (b) the child's membership of a non-profit community organisation.
- (6) Care provided solely to children who are enrolled in a secondary programme is excluded from the application of section 198(1).

”

5. Regulation 27A inserted

After regulation 27 the following regulation is inserted —

“

27A. Holders of existing authorisations taken to hold licences of a particular type

- (1) A person who holds an existing authorisation —
- (a) to which the *Community Services (Child Care) Regulations 1988* applied immediately before commencement day; and
 - (b) which authorises the provision of a child care service other than a family day care service,

is to be taken to hold a child care licence as defined in the *Children and Community Services (Child Care) Regulations 2006* regulation 3.

- (2) A person who holds an existing authorisation —
- (a) to which the *Community Services (Child Care) Regulations 1988* applied immediately before commencement day; and
 - (b) which authorises the provision of a family day care service,

is to be taken to hold a family day care licence as defined in the *Children and Community Services (Family Day Care) Regulations 2006* regulation 3.

- (3) A person who holds an existing authorisation which was an outside school hours care centre licence or outside school hours care centre permit under the *Community Services (Outside School Hours Care) Regulations 2002* immediately before commencement day is to be taken to hold an outside school hours care

licence as defined in the *Children and Community Services (Outside School Hours Care) Regulations 2006* regulation 3.

- (4) A person who holds an existing authorisation which was a school age family day care licence or school age family day care permit under the *Community Services (Outside School Hours Care) Regulations 2002* immediately before commencement day is to be taken to hold an outside school hours family day care licence as defined in the *Children and Community Services (Outside School Hours Family Day Care) Regulations 2006* regulation 3.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

Children and Community Services Act 2004

Children and Community Services (Early Childhood Care) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services (Early Childhood Care) Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Children and Community Services (Early Childhood Care) Regulations 2006**.

[* *Published in Gazette 18 January 2006, p. 125-90.*]

3. Regulation 1 amended

Regulation 1 is amended by deleting “*Early Childhood*” and inserting instead —

“ *Child* ”.

4. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) in the definition of “care session” by deleting “an early childhood care” and inserting instead —
“ a ”;
- (b) by deleting the definitions of “early childhood care licence”, “early childhood care service”, “enrolled child” and “lunch period”;
- (c) by inserting the following definitions in the appropriate alphabetical positions —

“

“**child care licence**” means a licence granted under the Act section 205(1) authorising the provision of a service;

“**enrolled child**”, in relation to a service, means a child for whom the service is provided;

“**lunch period**” means a period of not more than 3 hours in any day during which contact staff members are permitted to have lunch breaks;

“**secondary programme**” has the meaning given to that term in the *School Education Regulations 2000* regulation 3(1);

“**service**” means a child care service provided for a child who has not commenced a secondary programme but does not include a service as defined in the *Children and Community Services (Family Day Care) Regulation 2006* regulation 3;

- (d) in the definition of “licence” by deleting “an early childhood” and inserting instead —

“ a child ”;

- (e) in paragraph (a) of the definition of “place” by deleting “an early childhood care” and inserting instead —

“ a ”;

- (f) in paragraph (b) of the definition of “place” by deleting “early childhood care”;

- (g) in the definition of “primary school age enrolled child” by deleting “will not reach 8 years and 6 months of age by the end of the year in which the service is provided;” and inserting instead —

“

has not commenced a secondary programme;

”;

- (h) in the definition of “staff member” by deleting “an early childhood care” and inserting instead —

“ a ”.

5. Regulation 6 replaced

Regulation 6 is repealed and the following regulation is inserted instead —

“

6. Service prescribed

Under the Act section 232(a), a service is prescribed as a type of child care service.

”.

6. Regulation 22 amended

Regulation 22(1)(g) is amended by deleting “an early childhood care” and inserting instead —

“ the ”.

7. Part 3 Division 6 heading amended

The heading to Part 3 Division 6 is amended by deleting “early childhood care”.

8. Part 4 heading amended

The heading to Part 4 is amended by deleting “early childhood care”.

9. Regulation 104 amended

Regulation 104(2) is amended by deleting “an early childhood care” and inserting instead —

“ the ”.

10. Regulation 105 inserted

After regulation 104 the following regulation is inserted —

“

105. Continued operation of service in certain circumstances

- (1) In an emergency situation or in circumstances where the licence for the service is suspended or cancelled, the CEO may, in writing, authorise a person to continue to operate a service for a period specified in the authorisation.
- (2) The period specified in the authorisation must not be longer than 3 months.
- (3) A person authorised under subregulation (1) is to be taken to be the licensee for the purposes of the Act and the regulations.

”.

11. Various references to “an early childhood care service” changed to “a service”

In each place listed in the Table to this regulation “an early childhood care” is deleted and the following is inserted instead —

“ a ”.

Table

r. 7(2)	r. 26(1)
r. 22(2)	r. 43(2)

12. Various references to “early childhood care” deleted

In each place listed in the Table to this regulation “early childhood care” is deleted.

Table

r. 8(b) and (c)	r. 45(1)
r. 10(1)(g)	r. 67(1) and (4)
r. 11(1)	r. 76(1)(a), (b), (e), (f), (g), (h), (i), (j) and (k)
r. 14(3)(e)	r. 77
r. 19(1)(b), (c), (d) and (g)	r. 78(1) and (2)
r. 22(1) (where it occurs first)	r. 98(a)
r. 25(1)	r. 99
r. 31 (twice)	

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

Children and Community Services Act 2004

Children and Community Services (School Age Family Day Care) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services (School Age Family Day Care) Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Children and Community Services (School Age Family Day Care) Regulations 2006**.

[* *Published in Gazette 18 January 2006, p. 191-238.*]

3. Regulation 1 amended

Regulation 1 is amended by deleting “*School Age*” and inserting instead —

“ *Outside School Hours* ”.

4. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) in the definition of “care session” by deleting “a school age” and inserting instead —
“ an outside school hours ”;
- (b) in the definition of “licence” by deleting “a school age” and inserting instead —
“ an outside school hours ”;
- (c) in paragraph (a) of the definition of “place” by deleting “a school age” and inserting instead —
“ an outside school hours ”;
- (d) in paragraph (b) of the definition of “place” by deleting “school age” and inserting instead —
“ outside school hours ”;
- (e) by deleting the definitions of “enrolled child”, “school age family day care licence” and “school age family day care service”;

- (f) by inserting the following definitions in the appropriate alphabetical positions —

“

“**enrolled child**”, in relation to an outside school hours family day care service, means a child for whom the service is provided;

“**outside school hours family day care licence**” means a licence granted under the Act section 205(1) authorising the provision of an outside school hours family day care service;

“**outside school hours family day care service**” means a family day care service provided outside school hours for children of school age or kindergarten children;

”.

5. Regulation 4 replaced

Regulation 4 is repealed and the following regulation is inserted instead —

“

4. Meaning of “school age”

A child is of “**school age**” in a particular year if the child —

- (a) has reached 5 years and 6 months of age or will reach 5 years and 6 months of age in that year; and
- (b) is under 15 years and 6 months of age.

”.

6. Regulation 6 replaced

Regulation 6 is repealed and the following regulation is inserted instead —

“

6. Outside school hours family day care service prescribed

Under the Act section 232(a), an outside school hours family day care service is prescribed as a type of child care service.

”.

7. Part 4 heading amended

The heading to Part 4 is amended by deleting “school age” and inserting instead —

“ **outside school hours** ”.

8. Regulation 49 amended

Regulation 49(1)(a) is amended by deleting “by a person other than the licensee or supervising officer”.

9. Regulation 72 amended

Regulation 72(2) is amended by deleting “a school age family day care” and inserting instead —

“ an outside school hours family day care ”.

10. Regulation 73 inserted

After regulation 72 the following regulation is inserted —

“

73. Continued operation of service in certain circumstances

- (1) In an emergency situation or in circumstances where the licence for the outside school hours family day care service is suspended or cancelled, the CEO may, in writing, authorise a person to continue to operate a service for a period specified in the authorisation.
- (2) The period specified in the authorisation must not be longer than 3 months.
- (3) A person authorised under subregulation (1) is to be taken to be the licensee for the purposes of the Act and the regulations.

”.

11. Various references to “the school age family day care service” changed to “the outside school hours family day care service”

In each place listed in the Table to this regulation “school age” is deleted and the following is inserted instead —

“ outside school hours ”.

Table

r. 8(b)	r. 38(1)
r. 10(1)(f)	r. 47
r. 11(1)	r. 48(1) and (2)
r. 12(3)(b)	r. 67
r. 19(1)(b), (c) and (g)	r. 68(1)
r. 22(1)	

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

Children and Community Services Act 2004

**Children and Community Services (Early
Childhood Family Day Care) Amendment
Regulations 2006**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services (Early Childhood Family Day Care) Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Children and Community Services (Early Childhood Family Day Care) Regulations 2006**.

[* *Published in Gazette 18 January 2006, p. 239-88.*]

3. Regulation 1 amended

Regulation 1 is amended by deleting “*Early Childhood*”.

4. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) in the definition of “care session” by deleting “an early childhood family day care” and inserting instead —
“ a ”;
- (b) by deleting the definitions of “early childhood family day care licence”, “early childhood family day care service” and “enrolled child”;
- (c) by inserting the following definitions in the appropriate alphabetical positions —

“

“**enrolled child**”, in relation to a service, means a child for whom the service is provided;

“**family day care licence**” means a licence granted under the Act section 205(1) authorising the provision of a service;

“**secondary programme**” has the meaning given to that term in the *School Education Regulations 2000* regulation 3(1);

“**service**” means a family day care service provided for a child who has not commenced a secondary programme;

”.

- (d) in the definition of “licence” by deleting “an early childhood” and inserting instead —
“ a ”;
- (e) in paragraph (a) of the definition of “place” by deleting “an early childhood family day care” and inserting instead —
“ a ”;
- (f) in paragraph (b) of the definition of “place” by deleting “early childhood family day care”.

5. Regulation 5 replaced

Regulation 5 is repealed and the following regulation is inserted instead —

“

5. Service prescribed

Under the Act section 232(a), a service is prescribed as a type of child care service.

”.

6. Part 3 Division 6 heading amended

The heading to Part 3 Division 6 is amended by deleting “early childhood family day care”.

7. Part 4 heading amended

The heading to Part 4 is amended by deleting “early childhood family day care”.

8. Regulation 66 amended

Regulation 66(b) and (c) and “and” after paragraph (c) are deleted and the following is inserted instead —

“

- (b) the child is adequately supervised; and

”.

9. Regulation 90 inserted

After regulation 89 the following regulation is inserted —

“

90. Continued operation of service in certain circumstances

- (1) In an emergency situation or in circumstances where the licence for the service is suspended or cancelled, the CEO may, in writing, authorise a person to

continue to operate a service for a period specified in the authorisation.

- (2) The period specified in the authorisation must not be longer than 3 months.
- (3) A person authorised under subregulation (1) is to be taken to be the licensee for the purposes of the Act and the regulations.

”.

10. Various references to “an early childhood family day care service” changed to “a service”

In each place listed in the Table to this regulation “an early childhood family day care” is deleted and the following is inserted instead —

“ a ”.

Table

r. 31(2)	r. 89(2)
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11. Various references to “early childhood family day care” deleted

In each place listed in the Table to this regulation “early childhood family day care” is deleted.

Table

r. 7(b)	r. 54(1) and (4)
r. 9(1)(f)	r. 63(1)(a), (b), (e), (f), (g), (h), (i), (j) and (k)
r. 10(1)	r. 64
r. 11(3)(b)	r. 65(1) and (2)
r. 18(1)(b), (c) and (g)	r. 82(a)
r. 21(1)	r. 83
r. 33(1)	

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2006*.

2. Commencement

These regulations come into operation on 2 March 2006.

3. The regulations amended

The amendments in these regulations are to the *Working with Children (Criminal Record Checking) Regulations 2005**.

[* *Published in Gazette 21 December 2005, p. 6189-214.*]

4. Regulation 21 amended

- (1) Regulation 21(2) is amended by inserting after “day” —
“ that is on or after 1 January 2007 ”.
- (2) Regulation 21(3) is amended as follows:
 - (a) paragraph (b) is amended by deleting “*Early Childhood*” and inserting instead —
“ *Child* ”;
 - (b) paragraph (c) is amended by deleting “*Early Childhood*” and inserting instead —
“ *Child* ”;
 - (c) paragraph (d)(i) and (ii) are amended by deleting “*Early Childhood*”;
 - (d) paragraph (f)(i) and (ii) are amended by deleting “*School Age*” and inserting instead —
“ *Outside School Hours* ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

