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CHILD CARE SERVICES ACT 2007

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**CHILD CARE SERVICES  
REGULATIONS 2007**



Western Australia

## Child Care Services Regulations 2007

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Child Care Services Act 2007

## **Child Care Services Regulations 2007**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations are the *Child Care Services Regulations 2007*.

Note: Under the *Interpretation Act 1984* section 25(3), these regulations take effect on the day on which the *Child Care Services Act 2007* section 52 commences.

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**Part 2 — General provisions****2. Prescribed offences**

An offence that is 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, is prescribed for the purposes of the definition of “prescribed offence” in section 3 of the Act.

**3. Age prescribed for s. 4(1)**

The age of 15 years and 6 months is prescribed for the purposes of section 4(1) of the Act.

**4. Care that is not a child care service**

(1) In this regulation —

“**care giver**” means a person who provides care to the child;

“**care session**” means a discrete period during which care is provided to the child;

“**disability**” has the meaning given in the *Disability Services Act 1993* section 3;

“**first aid qualifications**” means a certificate or other evidence of successful completion of first aid training in at least the following subjects —

- (a) cardiopulmonary resuscitation;
- (b) expired air resuscitation;
- (c) management of emergency situations that could be life threatening or cause permanent damage to a casualty;
- (d) management of injuries;

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

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## General provisions

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- (2) Care provided to a child is excluded from the application of section 4(1) of the Act if —
- (a) the child has reached 2 months of age; and
  - (b) a parent or other relative of the child is available to attend to the child's immediate physical needs; and
  - (c) each care session does not exceed 3 hours; and
  - (d) the care sessions in any week do not exceed 12 hours; and
  - (e) the number of care sessions on any day does not exceed 2 and those sessions are separated by a period of at least one hour; and
  - (f) in circumstances where there is one care giver —
    - (i) the care giver has reached 21 years of age; and
    - (ii) the care giver has current first aid qualifications; and
    - (iii) another person who has reached 18 years of age is available to provide assistance in an emergency situation;and
  - (g) in circumstances where there are 2 or more care givers —
    - (i) at least one of the care givers has reached 21 years of age; and
    - (ii) at least one of the care givers has current first aid qualifications.
- (3) Care provided to a child with a disability is excluded from the application of section 4(1) of the Act if —
- (a) the care is funded by a grant of financial assistance approved under the *Disability Services Act 1993* section 24(1)(c); and
  - (b) the grant of financial assistance was made to a body corporate; and

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- (c) the care is provided by an employee of that body corporate.
- (4) Care provided to a child with a disability is excluded from the application of section 4(1) of the Act until 1 March 2008 if the care —
  - (a) is funded by a grant of financial assistance approved under the *Disability Services Act 1993* section 24(1)(a) or (b); or
  - (b) is funded by a grant of financial assistance approved under the *Disability Services Act 1993* section 24(1)(c) and is not care to which subregulation (3) applies.
- (5) Care provided to a child is excluded from the application of section 4(1) of the Act 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 4(1) of the Act.

**5. Operator of creche facility to display notice**

- (1) In this regulation —  
“**creche facility**” means a facility for the provision of care to which regulation 4(2) applies.
- (2) A person who operates a creche facility must ensure that a notice in accordance with subregulation (3) is displayed in a prominent position at or near the entrance to the place where the creche facility is operated.

Penalty: a fine of \$2 000.



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General provisions

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- (3) The notice is to contain information to the effect that the creche facility is not a child care service for the purposes of the Act and is therefore not subject to the licensing requirements of the Act.

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**Part 3 — Transitional matters****6. Terms used in this Part**

(1) In this Part —

“**commencement day**” means the day on which these regulations come into operation;

“**initial licence period**”, in relation to a licence, means the period for which the licence has effect after the commencement day excluding any period for which it is renewed under the Act;

“**notified service**” means a child care service that has been the subject of written notification under the *Children and Community Services Regulations 2006* regulation 28(2)(a);

“**Part 8 provisions**” has the meaning given in section 54 of the Act.

(2) A reference in this Part to a provision of the *Children and Community Services Regulations 2006* is a reference to that provision as in force before its repeal by the *Children and Community Services Amendment Regulations 2007*.

**7. Supervising officers**

If, immediately before the commencement day, a person was taken to be the supervising officer for a child care service because of the operation of the *Children and Community Services Regulations 2006* regulation 25, the person is to be regarded as the supervising officer for that child care service for the purposes of the Act until —

- (a) the end of the initial licence period for the licence relating to that child care service; or
- (b) the appointment of another supervising officer for that child care service,

whichever happens first.

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Transitional matters

**Part 3****r. 8****8. Application of s. 18 to certain licences**

If, immediately before the commencement day, the *Children and Community Services Act 2004* section 212 did not apply to a licence because of the operation of the *Children and Community Services Regulations 2006* regulation 26, section 18 of the Act does not apply to the licence during the initial licence period.

**9. Holders of particular types of licence**

If, immediately before the commencement day, a person was taken to be the holder of a particular type of licence because of the operation of the *Children and Community Services Regulations 2006* regulation 27A(1), (2), (3) or (4), the person is to be regarded as the holder of that type of licence under and subject to the Act.

**10. Notified services**

- (1) If, immediately before the commencement day, an application for a licence in respect of a notified service has been made under the Part 8 provisions but has not been determined, the notified service is to be taken to be provided under and in accordance with a licence authorising its provision at the place where it is provided until the day on which a licence in respect of the notified service is granted or refused by the CEO.
- (2) If, immediately before the commencement day, an application for a licence in respect of a notified service has not been made under the Part 8 provisions, the notified service is to be taken to be provided under and in accordance with a licence authorising its provision at the place where it is provided until —
  - (a) in the case where an application for a licence in respect of the notified service is made under the Act before 1 March 2008 — the day on which a licence in respect of the notified service is granted or refused by the CEO; and

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(b) in any other case — 1 March 2008.

By Command of the Governor,

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