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# — PART 1 —

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## PROCLAMATIONS

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AA101\*

### CHILD CARE SERVICES AMENDMENT ACT 2011

No. 38 of 2011

#### PROCLAMATION

Western Australia  
By His Excellency  
Malcolm James McCusker,  
Officer of the Order of Australia,  
Commander of the Royal Victorian Order,  
Queen's Counsel,  
Governor of the State of Western Australia  
M. J. McCUSKER  
Governor

[L.S.]

I, the Governor, acting under the *Child Care Services Amendment Act 2011* section 2(b) and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than Part 1, come into operation.

Given under my hand and the Public Seal of the State on 28 December 2011.

By Command of the Governor,

R. McSWEENEY, Minister for Community Services.

Note:

1. Under regulation 2(b) of the *Child Care Services Amendment Regulations 2011*, the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.
2. Under regulation 2(b) of the *Child Care Services (Child Care) Amendment Regulations 2011*, the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.
3. Under regulation 2(b) of the *Child Care Services (Family Day Care) Amendment Regulations 2011*, the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.
4. Under regulation 2(b) of the *Child Care Services (Outside School Hours Care) Amendment Regulations 2011*, the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.
5. Under regulation 2(b) of the *Child Care Services (Outside School Hours Family Day Care) Amendment Regulations 2011*, the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.
6. Under regulation 2(b) of the *Child Care Services (Rural Family Care) Amendment Regulations 2011*, the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Child Care Services Amendment Act 2011* Part 2 comes into operation.

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**COMMUNITY AND CHILD SERVICES**

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CN301\*

Child Care Services Act 2007

**Child Care Services Amendment  
Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

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

**4. Regulation 2 replaced**

Delete regulation 2 and insert:

**2. Managerial officer of incorporated association: s. 3**

- (1) For the purposes of paragraph (a)(ii) of the definition of *managerial officer* in section 3 of the Act, the prescribed class of function is responsibility, as a member of the committee of an incorporated association, for managing the provision of a child care service by the association.
- (2) For the purposes of subregulation (1), it does not matter that the responsibility is exercised with other people.

**5. Regulation 4 amended**

- (1) In regulation 4(1) delete the definition of *first aid qualifications*.
- (2) In regulation 4(1) insert in alphabetical order:

*first aid qualification* means a certificate or other document evidencing the successful completion of an approved first aid training course;

- (3) In regulation 4(2):
  - (a) in paragraph (f)(ii) delete “current first aid qualifications; and” and insert:

a current first aid qualification; and
  - (b) in paragraph (g)(ii) delete “current first aid qualifications.” and insert:

a current first aid qualification.

**6. Regulation 5A deleted**

Delete regulation 5A.

**7. Part 3A inserted**

After Part 2 insert:

**Part 3A — Supervising officers****Division 1 — Approvals****6A. Terms used**

In this Division, unless the contrary intention appears —

*application* means —

- (a) an application made under regulation 6D(1) for an approval to act; or
- (b) an application made under regulation 6D(2) for a supervisor approval;

*approval* means —

- (a) an approval to act; or
- (b) a supervisor approval;

*approval criteria* has the meaning given in regulation 6C(1);

*approval to act* has the meaning given in regulation 6D(1);

*supervisor approval* has the meaning given in regulation 6D(2).

**6B. Purpose of Division**

The purpose of this Division is to set out provisions relating to approvals for the purposes of section 5A(1)(a)(ii) and (b)(i) of the Act.

**6C. Approval criteria**

- (1) For the purposes of this Division the *approval criteria* are —
  - (a) that the applicant has the ability to supervise and control on a day-to-day basis the provision of a child care service; and
  - (b) that the applicant is otherwise a fit and proper person to be involved in the provision of a child care service; and
  - (c) that the applicant holds at least one relevant qualification.
- (2) In subregulation (1)(c) —

*relevant qualification* means —

  - (a) a degree or diploma in early childhood care or early childhood education from an Australian university or other tertiary institution; or
  - (b) a 2 year certificate in child care studies; or
  - (c) a diploma or associate diploma in child care; or
  - (d) a mothercraft nursing qualification; or
  - (e) a degree or diploma in education, social sciences or behavioural sciences; or
  - (f) a certificate or other document evidencing the successful completion of an approved first aid training course.

**6D. Application for approval**

- (1) An individual may apply to the CEO for approval to act in place of an individual who holds a licence (an *approval to act*).
- (2) An individual may apply to the CEO for approval as a person suitable to have responsibility for the day-to-day supervision and control of a child care service (a *supervisor approval*).

**6E. Form of application**

- (1) An application must be —
  - (a) in writing; and
  - (b) in the approved form.
- (2) The approved form must —
  - (a) be completed in accordance with any instructions on or attached to the form; and
  - (b) be accompanied by any information or document (including a criminal record check) specified in the form; and
  - (c) in the case of an application for an approval to act — be accompanied by the licensee's written consent to the application.
- (3) Despite subregulation (2), the CEO may consider and deal with an application if, in the opinion of the CEO, the requirements of that subregulation have been substantially complied with.

**6F. CEO may seek additional information**

- (1) The CEO may ask an applicant for any additional information or document that the CEO considers is or could be relevant to making a decision on the application.
- (2) Without limiting subregulation (1), for the purpose of deciding whether or not an applicant meets the criteria listed in regulation 6C(1)(a) and (b), the CEO may ask the applicant to do one or more of the following —
  - (a) undergo an oral or written assessment as to his or her knowledge and understanding of —
    - (i) the operation of this Act; and
    - (ii) the field of child development;
  - (b) provide a reference or report specified by the CEO;
  - (c) undergo a medical, psychiatric or psychological test or examination specified by the CEO.
- (3) If the CEO makes a request under subregulation (1) or (2), the CEO does not have to consider the application, or consider it further, until the request is complied with.
- (4) Any costs incurred in complying with a request under subregulation (1) or (2) are to be paid by the applicant unless the CEO determines otherwise.

**6G. Referees**

- (1) If an application nominates referees for the applicant, those referees must include —
  - (a) a referee who knows the applicant and who has had experience in children's services; and
  - (b) a referee who is a previous employer of the applicant or who has worked with the applicant in a paid or unpaid capacity.
- (2) A person is not eligible to act as a referee for an applicant if the person is —
  - (a) an employee of the applicant; or
  - (b) married, or related (including by marriage), to the applicant; or
  - (c) a de facto partner of the applicant; or
  - (d) another applicant.

**6H. Decision as to approval**

- (1) The CEO may grant or refuse to grant an approval.
- (2) The CEO must not grant an approval unless the CEO is satisfied that the applicant meets the approval criteria.
- (3) The CEO must not grant an approval if the applicant is disqualified under section 29(4)(e)(iii) or 30C(4)(d)(iii) of the Act from being the supervising officer for a child care service.
- (4) The CEO must give written notice of his or her decision under subregulation (1) to the applicant.

**6I. Conditions of approval**

- (1) The CEO may grant an approval subject to any conditions that the CEO considers appropriate.
- (2) Without limiting subregulation (1), it is a condition of each approval that the holder of the approval notifies the CEO in writing of a change in his or her name or mailing address.
- (3) A person who contravenes a condition of his or her approval commits an offence.  
Penalty: a fine of \$2 000.

**6J. Amendment of conditions**

- (1) In this regulation —  
***amend a condition***, in relation to an approval, means —
  - (a) to impose a new condition on the approval; or



- (b) to change or remove an existing condition of the approval (other than the condition referred to in regulation 6I(2)).
- (2) The CEO may, by written notice given to the holder of an approval, amend a condition.
- (3) The CEO may exercise the power in subregulation (2) —
  - (a) on the CEO's own initiative; or
  - (b) on an application made by the holder of the approval in the approved form.
- (4) The CEO may ask an applicant under subregulation (3)(b) for any additional information or document that the CEO considers is or could be relevant to making a decision on the application.
- (5) If the CEO makes a request under subregulation (4), the CEO does not have to consider the application, or consider it further, until the request is complied with.

**6K. Reassessment of suitability**

- (1) The CEO may at any time reassess whether the holder of an approval meets the approval criteria.
- (2) The CEO may ask the holder of an approval for any information or document that the CEO considers is or could be relevant to a reassessment under subregulation (1).
- (3) Without limiting subregulation (2), the CEO may, for the purposes of a reassessment under subregulation (1), ask the holder of an approval to do one or more of the things listed in regulation 6F(2).

**6L. Suspension or cancellation of approval**

- (1) The CEO may suspend or cancel an approval if —
  - (a) the CEO is no longer satisfied that the holder of the approval meets the approval criteria; or
  - (b) the holder of the approval is disqualified under section 29(4)(e)(iii) or 30C(4)(d)(iii) of the Act from being the supervising officer for a child care service.
- (2) Before exercising the power in subregulation (1), the CEO must —
  - (a) give the holder of the approval a notice (a *show cause notice*) stating the following —
    - (i) that the CEO intends to suspend or cancel the approval;

- (ii) the reasons for the proposed suspension or cancellation;
    - (iii) that the holder of the approval may, within 30 days after the notice is given, give the CEO a written response to the proposed suspension or cancellation;
  - and
  - (b) consider any written response from the holder of the approval received within the period referred to in paragraph (a)(iii).
- (3) The CEO must give the holder of an approval written notice of a decision to suspend or cancel the approval under subregulation (1) (a *notice of decision*).
- (4) A notice of decision must state —
- (a) the day on which the decision takes effect; and
  - (b) in the case of a decision to suspend — the period of suspension.
- (5) A decision to suspend or cancel an approval under subregulation (1) takes effect —
- (a) at the end of 14 days after the giving of the notice of decision; or
  - (b) if another period is specified in the notice of decision — at the end of that period.

**6M. Surrender of approval**

- (1) A person who holds an approval may, by written notice given to the CEO, surrender the approval.
- (2) A notice under subregulation (1) must be in the approved form.
- (3) On the surrender of an approval under subregulation (1), the approval ceases to have effect.

**6N. Approval document**

- (1) If the CEO grants an approval to a person the CEO must issue an approval document to the person.
- (2) An approval document —
  - (a) must contain the following information —
    - (i) the name of the holder of the approval;
    - (ii) any conditions of the approval;
  - and
  - (b) may contain any other information the CEO considers appropriate.

**6O. Return of approval document required in certain circumstances**

- (1) If an approval —
- (a) has been suspended or cancelled under regulation 6L; or
  - (b) has been surrendered under regulation 6M,

the person who was the holder of the approval must, as soon as practicable after the suspension, cancellation or surrender, return his or her approval document to the CEO.

Penalty: a fine of \$2 000.

- (2) If the CEO amends a condition of an approval under regulation 6J, the holder of the approval must, if required by the CEO to do so, return his or her approval document to the CEO for amendment.

Penalty: a fine of \$2 000.

**6P. Review by State Administrative Tribunal**

- (1) In this regulation —

*person aggrieved* means —

- (a) a person upon whose application a relevant decision is made; or
- (b) the person to whom a relevant decision relates.

*relevant decision* means a decision of the CEO —

- (a) under regulation 6H to refuse to grant an approval;
- (b) under regulation 6I to grant an approval subject to a particular condition;
- (c) under regulation 6J to amend or refuse to amend a condition of an approval;
- (d) under regulation 6L to suspend or cancel an approval.

- (2) A person aggrieved by a relevant decision may apply to the State Administrative Tribunal for a review of the decision.

**6Q. Offence to pretend to be holder of approval**

A person must not hold himself or herself out as being the holder of an approval unless the person holds an approval.

Penalty: a fine of \$6 000.

## Division 2 — Nominations

### 6R. Terms used

In this Division —

*licensee* means a corporate licensee or a public authority that is the holder of a licence;

*nomination* means a nomination made under regulation 6T(1);

*supervisor approval* has the meaning given in regulation 6D(2).

### 6S. Purpose of Division

The purpose of this Division is to set out provisions relating to nominations for the purposes of section 5A(1)(b)(ii) of the Act.

### 6T. Nomination

- (1) A licensee for a child care service may nominate an individual who holds a supervisor approval (the *nominee*) as the supervising officer for the service.
- (2) A nomination must be —
  - (a) made to the CEO in writing; and
  - (b) in the approved form; and
  - (c) accompanied by the nominee's written consent to the nomination.
- (3) A nomination must specify the times when the nominee is to be the supervising officer for the service concerned.
- (4) For the purposes of subregulation (3) a nomination may specify —
  - (a) all times when the service is provided; or
  - (b) particular times when the service is provided.
- (5) If there is more than one nominee for a child care service, the times specified under subregulation (3) in respect of a nominee must not be the same as, or overlap with, the times specified in respect of another nominee.
- (6) A nomination made in accordance with this regulation takes effect —
  - (a) on the day on which the nomination is made to the CEO; or
  - (b) if another day is specified in the nomination — on that day.

**6U. Amendment or revocation of nomination**

- (1) A licensee may, by written notice given to the CEO, amend or revoke a nomination made by the licensee.
- (2) If a person nominated as the supervising officer for a child care service ceases to be employed as a member of the staff of the service, the licensee for the service must, by written notice given to the CEO, revoke the nomination.  
Penalty: a fine of \$2 000.
- (3) A notice under subregulation (1) or (2) must be in the approved form.
- (4) If a notice is given under subregulation (1) or (2), the amendment or revocation, as the case requires, takes effect —
  - (a) on the day on which the notice is given to the CEO; or
  - (b) if another day is specified in the notice — on that day.

**8. Part 3 Division 1 heading inserted**

At the beginning of Part 3 insert:

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

**9. Regulation 6 amended**

- (1) In regulation 6(1) delete “Part —” and insert:

Division —

- (2) In regulation 6(2) delete “Part” and insert:

Division

**10. Part 3 Division 2 inserted**

At the end of Part 3 insert:

**Division 2 — Provision relating to *Child Care Services Amendment Act 2011*****11. Supervising officers**

- (1) In this regulation —  
*commencement day* means the day on which the *Child Care Services Amendment Act 2011* section 4(2) comes into operation;  
*old definition* means the definition of *supervising officer* in section 3 of the Act as in force immediately before the commencement day.
- (2) An individual who, immediately before the commencement day, was the supervising officer for a child care service under paragraph (b)(i) of the old definition is, on and after that day, to be taken to have been nominated by the licensee of the service as the supervising officer for the service at all times when the service is provided.
- (3) Regulation 6U applies to a nomination that has effect because of the operation of subregulation (2) as if the nomination had been made by the licensee of the child care service.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

CN302\*

Child Care Services Act 2007

**Child Care Services (Child Care) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

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

## 4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

*current assessment notice*

*first aid qualifications*

*proposed supervising officer*

- (2) In regulation 3 insert in alphabetical order:

*first aid qualification* means a certificate or other document evidencing the successful completion of an approved first aid training course;

- (3) In regulation 3 in the definition of *class C contact staff member* delete paragraph (a).
- (4) 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 service to which the application relates;

## 5. Regulation 7 amended

- (1) In regulation 7(1):
  - (a) delete “applicant for a licence —” and insert:

applicant —
  - (b) delete paragraph (d) and insert:
    - (d) a mothercraft nursing qualification;
- (2) Delete regulation 7(2).

**6. Part 2 Division 2 heading replaced**

Delete the heading to Part 2 Division 2 and insert:

**Division 2 — Licence applications and renewal applications**

**7. Regulations 10, 11 and 12 replaced**

Delete regulations 10, 11 and 12 and insert:

**10. Documents and information to accompany licence application**

- (1) For the purposes of section 11(b) the following documents and information are prescribed —
- (a) in the case of an individual applicant —
    - (i) a criminal record check on the applicant issued not more than 6 months before the date of the application; and
    - (ii) a copy of each qualification prescribed in regulation 7(1) that is held by the applicant; and
    - (iii) information about the time spent by the applicant engaged in children's or education services or in child development, administration and staff management;
  - (b) in the case of a corporate applicant, a criminal record check on each managerial officer of the applicant issued not more than 6 months before the date of the licence application;
  - (c) a financial assessment in the approved form;
  - (d) if the licence applicant is 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;
  - (e) if the licence applicant is an incorporated association, a copy of the certificate of incorporation of the association;
  - (f) a site plan, drawn to a scale of not less than 1:500, showing the location of each building at the place;
  - (g) a plan of the building or buildings at the place, drawn to a scale of not less than 1:100, showing



- the use to which each part of the building or buildings will be put;
- (h) if the place has not previously been used for a child care service, any current certificate of classification relating to the place issued under the *Building Regulations 1989* Part 5.
- (2) Subregulation (1)(h) does not apply to a place that is owned by a public authority.

**11. Documents and information to accompany renewal application**

- (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) For the purposes of section 22(2)(c) the following documents and information are prescribed —
- (a) in the case of a renewal application by an individual —
- (i) 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; and
- (ii) a copy of each qualification prescribed in regulation 7(1) that is held by the renewal applicant unless the qualifications held by the renewal applicant have not changed in the relevant period and the application is accompanied by a statement to that effect;
- (b) in the case of a renewal application by a body corporate that is not a public authority, a criminal record check on each managerial officer of 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;
- (c) a financial assessment in the approved form;
- (d) if the renewal applicant is 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;

- (e) if the renewal applicant is an incorporated association, 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.

**8. Part 2 Division 3 heading amended**

In the heading to Part 2 Division 3 after “to” insert:

**licence**

**9. Regulation 13 replaced**

Delete regulation 13 and insert:

**13. Referees**

- (1) If a licence application nominates referees for the licence applicant, those referees must include —
  - (a) a referee who knows the licence applicant and who has had experience in children’s services; and
  - (b) a referee who is a previous employer of the licence applicant or who has worked with the licence applicant in a paid or unpaid capacity.
- (2) A person is not eligible to act as a referee for a licence applicant if the person is —
  - (a) an employee of the licence applicant; or
  - (b) married, or related (including by marriage), to the licence applicant; or
  - (c) a de facto partner of the licence applicant; or
  - (d) another licence applicant or an applicant for an approval under the *Child Care Services Regulations 2007* Part 3A.

**10. Regulations 14 and 16 deleted**

Delete regulations 14 and 16.

**11. Regulation 17 amended**

Delete regulation 17(2).

**12. Regulation 19 amended**

- (1) Delete regulation 19(1)(f).
- (2) In regulation 19(3):
  - (a) in paragraph (a) delete “CEO;” and insert:  
  
CEO; and
  - (b) in paragraph (b) delete “officer; and” and insert:  
  
officer.
  - (c) delete paragraph (c).

**13. Regulations 28 and 29 deleted**

Delete regulations 28 and 29.

**14. Regulation 30 replaced**

Delete regulation 30 and insert:

**30. First aid officers**

- (1) In this regulation —  
*specified* means specified in a notice under subregulation (4).
- (2) A licensee must ensure that at least one person possessing a first aid qualification is in attendance at the place at all times enrolled children are attending a care session at the place.  
Penalty: a fine of \$4 000.
- (3) Subregulation (2) does not apply to a licensee if the licensee is the subject of a notice under subregulation (4).
- (4) If, having regard to the matters mentioned in subregulation (5), the CEO considers it appropriate to do so, the CEO may, by written notice given to a licensee, require the licensee to ensure that a specified number of persons possessing a first aid qualification are in attendance at the place at all times, or at specified times, when enrolled children are attending a care session at the place.
- (5) For the purposes of subregulation (4), the matters are —
  - (a) the layout of the place; and
  - (b) the hours of operation of the service; and
  - (c) the staffing requirements for the service.

- (6) A licensee must comply with a notice given to the licensee under subregulation (4).  
Penalty: a fine of \$4 000.

**15. Regulation 60 amended**

Before regulation 60(1) insert:

- (1A) In this regulation —  
*current assessment notice* means an assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1)(a) not more than 3 years before the material time;  
*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.

**16. Regulation 67 amended**

Delete regulation 67(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 70 replaced**

Delete regulation 70 and insert:

**70. Record of attendance**

- (1) A licensee must ensure that a record of attendance is kept for each care session in accordance with the requirements of subregulations (2) to (5).  
Penalty: a fine of \$3 000.

- (2) The record of attendance must include the following —
  - (a) the time of arrival and the time of departure of each enrolled child;
  - (b) the signature of the person responsible for verifying the accuracy of the record.
- (3) The time of arrival must be entered in the record of attendance immediately after the child arrives at the place.
- (4) The time of departure must be entered in the record of attendance immediately before the child leaves the place.
- (5) The record of attendance must be retained for a period of 3 years after the day on which the record was made.

**18. Regulation 76 amended**

After regulation 76(1)(j) insert:

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

**19. Regulation 93 amended**

In regulation 93(b) delete “certificate” and insert:

qualification

**20. Regulation 96 replaced**

Delete regulation 96 and insert:

**96. Protection of 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.
- (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.

**97A. Medication**

- (1) If the enrolment form kept by a licensee under regulation 67(1) for an enrolled child contains details of medication referred to in regulation 67(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.
- (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.
- (3) Subregulation (2) does not apply to the self-administration of a non-prescription asthma inhaler.

Penalty: a fine of \$4 000.

**21. Regulation 97 amended**

Delete regulation 97(1) and (2).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

CN303\*

Child Care Services Act 2007

## **Child Care Services (Family Day Care) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Child Care Services (Family Day 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 (Family Day Care) Regulations 2006*.

## 4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

*current assessment notice*

*first aid qualifications*

*proposed supervising officer*

- (2) In regulation 3 insert in alphabetical order:

*first aid qualification* means a certificate or other document evidencing the successful completion of an approved first aid training course;

- (3) 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 service to which the application relates;

## 5. Regulation 6 amended

In regulation 6:

- (a) delete “first aid qualifications are” and insert:

a first aid qualification is

- (b) delete “applicant for a licence.” and insert:

applicant.

**6. Part 2 Division 2 heading replaced**

Delete the heading to Part 2 Division 2 and insert:

**Division 2 — Licence applications and renewal applications**

**7. Regulation 9 replaced**

Delete regulation 9 and insert:

**9. Documents and information to accompany licence application**

For the purposes of section 11(b) the following documents and information are prescribed —

- (a) a criminal record check on the licence applicant issued not more than 6 months before the date of the application;
- (b) a copy of the licence applicant's qualification prescribed in regulation 6;
- (c) a statement by the licence applicant indicating the length of time that the applicant has been engaged in providing children's, educational or human services;
- (d) a financial assessment in the approved form;
- (e) a site plan, drawn to a scale of not less than 1:500, showing the location of each building at the place;
- (f) a plan of the building or buildings at the place, drawn to a scale of not less than 1:100, showing the use to which each part of the building or buildings will be put;
- (g) if there is a swimming pool at the place, a statement by the licence applicant indicating whether or not the place complies with the requirements of the *Building Regulations 1989* Part 10.

**10A. Documents and information to accompany renewal application**

For the purposes of section 22(2)(c) the following documents and information are prescribed —

- (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 financial assessment in the approved form;



- (c) a copy of the renewal applicant's qualification prescribed in regulation 6.

**8. Regulation 10 amended**

In regulation 10(3) delete "9(1)(f), (g) and (h)." and insert:

9(e), (f) and (g).

**9. Regulation 11 deleted**

Delete regulation 11.

**10. Part 2 Division 3 heading amended**

In the heading to Part 2 Division 3 after "to" insert:

**licence**

**11. Regulation 12 replaced**

Delete regulation 12 and insert:

**12. Referees**

- (1) If a licence application nominates referees for the licence applicant, those referees must include —
  - (a) a referee who knows the licence applicant and who has had experience in children's services; and
  - (b) a referee who is a previous employer of the licence applicant or who has worked with the licence applicant in a paid or unpaid capacity.
- (2) A person is not eligible to act as a referee for a licence applicant if the person is —
  - (a) an employee of the licence applicant; or
  - (b) married, or related (including by marriage), to the licence applicant; or
  - (c) a de facto partner of the licence applicant; or
  - (d) another licence applicant or an applicant for an approval under the *Child Care Services Regulations 2007* Part 3A.

**12. Regulations 13 and 15 deleted**

Delete regulations 13 and 15.

**13. Regulation 16 amended**

Delete regulation 16(2).

**14. Regulation 18 amended**

Delete regulation 18(1)(d).

**15. Regulation 22 amended**

In regulation 22(2) delete “a supervising” and insert:

the supervising

**16. Regulation 47 amended**

Before regulation 47(1) insert:

(1A) In this regulation —

**current assessment notice** means an assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1)(a) not more than 3 years before the material time;

**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.

**17. Regulation 54 amended**

Delete regulation 54(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.

**18. Regulation 57 replaced**

Delete regulation 57 and insert:

**57. Record of attendance**

- (1) A licensee must ensure that a record of attendance is kept for each care session in accordance with the requirements of subregulations (2) to (5).  
Penalty: a fine of \$3 000.
- (2) The record of attendance must include the following —
  - (a) the time of arrival and the time of departure of each enrolled child;
  - (b) the signature of the person responsible for verifying the accuracy of the record.
- (3) The time of arrival must be entered in the record of attendance immediately after the child arrives at the place.
- (4) The time of departure must be entered in the record of attendance immediately before the child leaves the place.
- (5) The record of attendance must be retained for a period of 3 years after the day on which the record was made.

**19. Regulation 63 amended**

After regulation 63(1)(j) insert:

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

**20. Regulation 80 replaced**

Delete regulation 80 and insert:

**80. Protection of 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.

- (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.

#### **81A. Medication**

- (1) If the enrolment form kept by a licensee under regulation 54(1) for an enrolled child contains details of medication referred to in regulation 54(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.
- (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.
- (3) Subregulation (2) does not apply to the self-administration of a non-prescription asthma inhaler.

Penalty: a fine of \$4 000.

#### **21. Regulation 81 amended**

Delete regulation 81(1) and (2).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

CN304\*

Child Care Services Act 2007

## **Child Care Services (Outside School Hours Care) Amendment Regulations 2011**

Made by the Governor in Executive Council.

#### **1. Citation**

These regulations are the *Child Care Services (Outside School Hours 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 (Outside School Hours Care) Regulations 2006*.

## 4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

*current assessment notice*

*first aid qualifications*

*proposed supervising officer*

- (2) In regulation 3 insert in alphabetical order:

*first aid qualification* means a certificate or other document evidencing the successful completion of an approved first aid training course;

- (3) 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 outside school hours service to which the application relates;

## 5. Regulation 8 amended

- (1) In regulation 8(1) delete “applicant for a licence —” and insert:

applicant —

- (2) Delete regulation 8(2).

**6. Part 2 Division 2 heading replaced**

Delete the heading to Part 2 Division 2 and insert:

**Division 2 — Licence applications and renewal applications**

**7. Regulations 11, 12 and 13 replaced**

Delete regulations 11, 12 and 13 and insert:

**11. Documents and information to accompany licence application**

- (1) For the purposes of section 11(b) the following documents and information are prescribed —
- (a) in the case of an individual applicant —
    - (i) a criminal record check on the applicant issued not more than 6 months before the date of the licence application; and
    - (ii) a copy of each qualification prescribed in regulation 8(1) that is held by the applicant; and
    - (iii) information about the time spent by the applicant engaged in children's or education services or in child development, administration and staff management;
  - (b) in the case of a corporate applicant, a criminal record check on each managerial officer of the applicant issued not more than 6 months before the date of the licence application;
  - (c) a financial assessment in the approved form;
  - (d) if the licence applicant is 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;
  - (e) if the licence applicant is an incorporated association, a copy of the certificate of incorporation of the association;
  - (f) a site plan, drawn to a scale of not less than 1:500, showing the location of each building on the land comprising the place where the service is to be provided;
  - (g) a plan of the building or buildings at the place, drawn to a scale of not less than 1:100, showing

the use to which each part of the building or buildings will be put;

- (h) if the place has not previously been used for a child care service, any current certificate of classification relating to the place issued under the *Building Regulations 1989* Part 5.
- (2) Subregulation (1)(h) does not apply to a place that is owned by a public authority.

**12. Documents and information to accompany renewal application**

- (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) For the purposes of section 22(2)(c) the following documents and information are prescribed —
- (a) in the case of a renewal application by an individual —
    - (i) 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; and
    - (ii) a copy of each qualification prescribed in regulation 8(1) that is held by the renewal applicant unless the qualifications held by the renewal applicant have not changed in the relevant period and the application is accompanied by a statement to that effect;
  - (b) in the case of a renewal application by a body corporate that is not a public authority, a criminal record check on each managerial officer of 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;
  - (c) a financial assessment in the approved form;
  - (d) if the renewal applicant is 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;

- (e) if the renewal applicant is an incorporated association, 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.

**8. Part 2 Division 3 heading amended**

In the heading to Part 2 Division 3 after “**to**” insert:

**licence**

**9. Regulation 14 replaced**

Delete regulation 14 and insert:

**14. Referees**

- (1) If a licence application nominates referees for the licence applicant, those referees must include —
  - (a) a referee who knows the licence applicant and who has had experience in children’s, educational, recreational or human services; and
  - (b) a referee who is a previous employer of the licence applicant or who has worked with the licence applicant in a paid or unpaid capacity.
- (2) A person is not eligible to act as a referee for a licence applicant if the person is —
  - (a) an employee of the licence applicant; or
  - (b) married, or related (including by marriage), to the licence applicant; or
  - (c) a de facto partner of the licence applicant; or
  - (d) another licence applicant or an applicant for an approval under the *Child Care Services Regulations 2007* Part 3A.

**10. Regulations 15 and 17 deleted**

Delete regulations 15 and 17.



**11. Regulation 18 amended**

Delete regulation 18(2).

**12. Regulation 20 amended**

(1) Delete regulation 20(1)(f).

(2) In regulation 20(3):

(a) in paragraph (a) delete “CEO;” and insert:

CEO; and

(b) in paragraph (b) delete “officer; and” and insert:

officer.

(c) delete paragraph (c).

**13. Regulations 27 and 28 deleted**

Delete regulations 27 and 28.

**14. Regulation 39 amended**

Before regulation 39(1) insert:

(1A) In this regulation —

***current assessment notice*** means an assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1)(a) not more than 3 years before the material time;

***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.

**15. Regulation 47 amended**

Delete regulation 47(2)(k) and (l) and insert:

(k) 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;

(l) details of any plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (k);

- (m) details of any medication necessary for the management or treatment of a specific healthcare need, medical condition or allergy referred to in paragraph (k);
- (n) the immunisation status of the child;
- (o) any other relevant information relating to the child.

**16. Regulation 50 replaced**

Delete regulation 50 and insert:

**50. Record of attendance**

- (1) A licensee must ensure that a record of attendance is kept for each care session in accordance with the requirements of subregulations (2) to (5).  
Penalty: a fine of \$3 000.
- (2) The record of attendance must include the following —
  - (a) the time of arrival and the time of departure of each enrolled child;
  - (b) the signature of the person responsible for verifying the accuracy of the record.
- (3) The time of arrival must be entered in the record of attendance immediately after the child arrives at the place.
- (4) The time of departure must be entered in the record of attendance immediately before the child leaves the place.
- (5) The record of attendance must be retained for a period of 3 years after the day on which the record was made.

**17. Regulation 63 amended**

- (1) In regulation 63(1):
  - (a) in paragraph (c) delete “current first aid qualifications; and” and insert:  
  
a current first aid qualification; and
  - (b) after each of paragraphs (a) and (b) insert:  
  
and

- (2) In regulation 63(2):
- (a) in paragraph (c) delete “current first aid qualifications; and” and insert:
- a current first aid qualification; and
- (b) after each of paragraphs (a) and (b) insert:
- and

**18. Regulation 64 amended**

In regulation 64(1):

- (a) in paragraph (b) delete “current first aid qualifications; and” and insert:
- a current first aid qualification; and
- (b) after paragraph (a) insert:
- and

**19. Regulation 81 amended**

- (1) In regulation 81(1) delete “is not permitted to” and insert:

does not

- (2) In regulation 81(2) delete “the circumstances referred to in subregulation (1)(a)(ii).” and insert:

circumstances other than those referred to in subregulation (1)(a)(i) or (b).

**20. Regulation 82A inserted**

After regulation 81 insert:

**82A. Medication**

- (1) If the enrolment form kept by a licensee under regulation 47(1) for an enrolled child contains details of medication referred to in regulation 47(2)(m), 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.

- (2) A licensee must ensure that, except in an emergency, medication is neither administered to an enrolled child nor self-administered by 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.
- (3) A licensee must ensure that medication is not self-administered by an enrolled child without the direct supervision of a contact staff member.
- (4) Subregulation (3) does not apply to the self-administration of a non-prescription asthma inhaler.  
Penalty: a fine of \$4 000.

**21. Regulation 82 amended**

Delete regulation 82(1), (2) and (3).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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CN305\*

Child Care Services Act 2007

## **Child Care Services (Outside School Hours Family Day Care) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Child Care Services (Outside School Hours Family Day 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 (Outside School Hours Family Day Care) Regulations 2006*.

**4. Regulation 3 amended**

- (1) In regulation 3 delete the definitions of:

*current assessment notice*

*first aid qualifications*

*proposed supervising officer*

- (2) In regulation 3 insert in alphabetical order:

*first aid qualification* means a certificate or other document evidencing the successful completion of an approved first aid training course;

- (3) 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 outside school hours family day care service to which the application relates;

**5. Regulation 7 amended**

In regulation 7:

- (a) delete “first aid qualifications are” and insert:

a first aid qualification is

- (b) delete “applicant for a licence.” and insert:

applicant.

**6. Part 2 Division 2 heading replaced**

Delete the heading to Part 2 Division 2 and insert:

**Division 2 — Licence applications and renewal applications**

**7. Regulation 10 replaced**

Delete regulation 10 and insert:

**10. Documents and information to accompany licence application**

For the purposes of section 11(b) the following documents and information are prescribed —

- (a) a criminal record check on the licence applicant issued not more than 6 months before the date of the application;
- (b) a copy of the licence applicant's qualification prescribed in regulation 7;
- (c) a statement by the licence applicant indicating the length of time that the applicant has been engaged in providing children's, educational or recreational services or in child development;
- (d) a financial assessment in the approved form;
- (e) a site plan, drawn to a scale of not less than 1:500, showing the location of each building at the place;
- (f) a plan of the building or buildings at the place, drawn to a scale of not less than 1:100, showing the use to which each part of the building or buildings will be put;
- (g) if there is a swimming pool at the place, a statement by the licence applicant indicating whether or not the place complies with the requirements of the *Building Regulations 1989* Part 10.

**11A. Documents and information to accompany renewal application**

For the purposes of section 22(2)(c) the following documents and information are prescribed —

- (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 financial assessment in the approved form;

- (c) a copy of the renewal applicant's qualification prescribed in regulation 7.

**8. Regulation 11 amended**

In regulation 11(3) delete "10(1)(f), (g) and (h)." and insert:

10(e), (f) and (g).

**9. Regulation 12 deleted**

Delete regulation 12.

**10. Part 2 Division 3 heading amended**

In the heading to Part 2 Division 3 after "to" insert:

**licence**

**11. Regulation 13 replaced**

Delete regulation 13 and insert:

**13. Referees**

- (1) If a licence application nominates referees for the licence applicant, those referees must include —
  - (a) a referee who knows the licence applicant and who has had experience in children's, educational, recreational or human services; and
  - (b) a referee who is a previous employer of the licence applicant or who has worked with the licence applicant in a paid or unpaid capacity.
- (2) A person is not eligible to act as a referee for a licence applicant if the person is —
  - (a) an employee of the licence applicant; or
  - (b) married, or related (including by marriage), to the licence applicant; or
  - (c) a de facto partner of the licence applicant; or
  - (d) another licence applicant or an applicant for an approval under the *Child Care Services Regulations 2007* Part 3A.

**12. Regulations 14 and 16 deleted**

Delete regulations 14 and 16.

**13. Regulation 17 amended**

Delete regulation 17(2).

**14. Regulation 19 amended**

Delete regulation 19(1)(d).

**15. Regulation 23 amended**

In regulation 23(2) delete “a supervising” and insert:

the supervising

**16. Regulation 31 amended**

Before regulation 31(1) insert:

(1A) In this regulation —

**current assessment notice** means an assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1)(a) not more than 3 years before the material time;

**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.

**17. Regulation 38 amended**

Delete regulation 38(2)(k) and (l) and insert:

(k) 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;

(l) details of any plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (k);

(m) details of any medication necessary for the management or treatment of a specific healthcare need, medical condition or allergy referred to in paragraph (k);

(n) the immunisation status of the child;

(o) any other relevant information relating to the child.



**18. Regulation 41 replaced**

Delete regulation 41 and insert:

**41. Record of attendance**

- (1) A licensee must ensure that a record of attendance is kept for each care session in accordance with the requirements of subregulations (2) to (5).  
Penalty: a fine of \$3 000.
- (2) The record of attendance must include the following —
  - (a) the time of arrival and the time of departure of each enrolled child;
  - (b) the signature of the person responsible for verifying the accuracy of the record.
- (3) The time of arrival must be entered in the record of attendance immediately after the child arrives at the place.
- (4) The time of departure must be entered in the record of attendance immediately before the child leaves the place.
- (5) The record of attendance must be retained for a period of 3 years after the day on which the record was made.

**19. Regulation 65 amended**

- (1) In regulation 65(1) delete “is not permitted to” and insert:  
  
does not
- (2) In regulation 65(2) delete “the circumstances referred to in subregulation (1)(a)(ii).” and insert:  
  
circumstances other than those referred to in subregulation (1)(a)(i) or (b).

**20. Regulation 66A inserted**

After regulation 65 insert:

**66A. Medication**

- (1) If the enrolment form kept by a licensee under regulation 38(1) for an enrolled child contains details of medication referred to in regulation 38(2)(m), 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.

- (2) A licensee must ensure that, except in an emergency, medication is neither administered to an enrolled child nor self-administered by 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.
- (3) A licensee must ensure that medication is not self-administered by an enrolled child without the direct supervision of the licensee or a supervising officer.
- (4) Subregulation (3) does not apply to the self-administration of a non-prescription asthma inhaler.

Penalty: a fine of \$4 000.

**21. Regulation 66 amended**

Delete regulation 66(1), (2) and (3).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

CN306\*

Child Care Services Act 2007

## **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.

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## RACING, GAMING AND LIQUOR

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RA301\*

Liquor Control Act 1988

### Liquor Control Amendment Regulations (No. 10) 2011

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Liquor Control Amendment Regulations (No. 10) 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 after that day.

**3. Regulations amended**

These regulations amend the *Liquor Control Regulations 1989*.

**4. Regulation 9A amended**

After regulation 9A(6) before the heading “**Tourism**” insert:

- (7A) A special facility licence granted for the purpose of allowing the sale of liquor on a train, bus, ship or vehicle may also be granted for the purpose of allowing the sale of liquor at another place of business of the licensee if —
  - (a) the sale is in connection with a booking for travel on a train, bus, ship or vehicle; and
  - (b) the liquor is to be supplied on the train, bus, ship or vehicle.

**5. Regulation 9E inserted**

After regulation 9D insert:

**9E. Prescribed period (Act s. 33(6D)(b))**

For the purposes of section 33(6D)(b) the period of 3 months is prescribed.



**6. Regulation 18G amended**

In regulation 18G:

- (a) in paragraph (a) delete “deliver the document” and insert:

if the document does not purport to be a passport, deliver it

- (b) delete paragraph (b) and insert:

- (b) if the document purports to be a passport, whether Australian or foreign —
- (i) if the authorised person no longer suspects on reasonable grounds that it is forged, false or counterfeit — return it to the person from whom it was confiscated; or
  - (ii) otherwise — deliver it to an office of the department of the Commonwealth public service principally assisting the Minister in the administration of the *Australian Passports Act 2005* (Commonwealth).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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## — PART 2 —

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### CORRECTIVE SERVICES

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CS401\*

**PRISONS ACT 1981**

## PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Commissioner of the Department of Corrective Services has revoked the following Permit to do High-Level Security Work—

Surname	Other Names	Permit No.	Revocation Date
Shepherd	Jillian	AP 0576	28/12/2011

This notice is published under section 15P of the *Prisons Act 1981*.

TILLIE PROWSE, Manager, Acacia Prison Contract.

Date 4 January 2012.

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### JUSTICE

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JU401\*

**JUSTICES OF THE PEACE ACT 2004**

## APPOINTMENTS

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Harry Maxwell Tysoe of 68 Waterloo Crescent, Lesmurdie  
Coral Ann Green of 187 Birt Road, Tambellup

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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### MINERALS AND PETROLEUM

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MP401\*

Commonwealth of Australia

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006**

## GRANT OF PETROLEUM RETENTION LEASE WA-14-R (R2)

Petroleum Retention Lease No. WA-14-R (R2) has been granted to Chevron Australia Pty Ltd, Chevron (TAPL) Pty Ltd, Chubu Electric Power Gorgon Pty Ltd, Mobil Australia Resources Company Pty Limited, Osaka Gas Gorgon Pty Ltd, Shell Development (Australia) Proprietary Limited and Tokyo Gas Gorgon Pty Ltd to have effect for a period of five (5) years from and including 28 December 2011.

W. L. TINAPPLE, Executive Director Petroleum Division.

**MP402\***

Commonwealth of Australia  
**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006**  
 GRANT OF PETROLEUM RETENTION LEASE WA-15-R (R2)

Petroleum Retention Lease No. WA-15-R (R2) has been granted to Chevron Australia Pty Ltd, Chevron (TAPL) Pty Ltd, Chubu Electric Power Gorgon Pty Ltd, Mobil Australia Resources Company Pty Limited, Osaka Gas Gorgon Pty Ltd, Shell Development (Australia) Proprietary Limited and Tokyo Gas Gorgon Pty Ltd to have effect for a period of five (5) years from and including 28 December 2011.

W. L. TINAPPLE, Executive Director Petroleum Division.

**MP403\***

**MINING ACT 1904**  
 TEMPORARY RESERVES

Department of Mines and Petroleum,  
 Perth, 29 December 2011.

In accordance with the provisions of the *Mining Act 1904*, the Governor has been pleased to deal with the following Temporary Reserves.

RICHARD SELLERS, Director General.

The rights of occupancy on the undermentioned Temporary Reserves have been renewed.

Number	Occupant	For Further Period Expiring on	Locality	Mineral Field
4192H, 4193H, 4266H, 4267H, 4737H and 4881H to 4884H	Hancock Prospecting Pty Ltd Wright Prospecting Pty Ltd Hamersley Resources Ltd	31 December 2012	Rhodes Ridge	West Pilbara and Peak Hill

**MP404\***

**MINING ACT 1978**  
 APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,  
 Norseman WA 6443.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licence is liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being non-compliance with the reporting provisions.

TANYA WATT, Warden.

To be heard by the Warden at NORSEMAN on 22 February 2012.

**DUNDAS MINERAL FIELD**  
 PROSPECTING LICENCES

P 63/1571-I      Australian Strategic and Precious Metals Investment Pty Ltd

**MP405\***

**MINING ACT 1978**  
 APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,  
 Norseman WA 6443.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licence is liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

TANYA WATT, Warden.

To be heard by the Warden at NORSEMAN on 22 February 2012.

**DUNDAS MINERAL FIELD  
PROSPECTING LICENCES**

P 63/1327      McKenna, John Leslie

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**MP406\***

**MINING ACT 1978  
APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,  
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

G. BENN, Warden.

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To be heard by the Warden at KALGOORLIE on 10 February 2012.

**NORTH COOLGARDIE MINERAL FIELD  
PROSPECTING LICENCES**

P 30/1009	Carnegie Gold Pty Ltd
P 30/1010	Carnegie Gold Pty Ltd
P 30/1051	Carnegie Gold Pty Ltd
P 30/1053	Carnegie Gold Pty Ltd
P 30/1054	Carnegie Gold Pty Ltd
P 30/1055	Carnegie Gold Pty Ltd
P 30/1056	Carnegie Gold Pty Ltd
P 30/1057	Carnegie Gold Pty Ltd
P 30/1058	Carnegie Gold Pty Ltd
P 30/1059	Carnegie Gold Pty Ltd

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**MP407\***

**MINING ACT 1978  
APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,  
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

G. BENN, Warden.

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To be heard by the Warden at KALGOORLIE on 10 February 2012.

**N. E. COOLGARDIE MINERAL FIELD  
PROSPECTING LICENCES**

P 27/1974      Henning, Robert Mark

**NORTH COOLGARDIE MINERAL FIELD  
PROSPECTING LICENCES**

P 31/1985      Hawthorn Resources Limited

**MP408\*****MINING ACT 1978  
FORFEITURE**Department of Mines and Petroleum,  
Perth WA 6000.

I hereby declare in accordance with the provisions of section 96A of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for the non-lodgement of the annual Operations Report (Form 5).

NORMAN MOORE MLC, Minister for Mines and Petroleum.

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<b>Number</b>	<b>Holder</b>	<b>Mineral Field</b>
		<b>EXPLORATION LICENCE</b>
58/370	Boldjet Pty Ltd	Murchison
69/2561	Boldjet Pty Ltd	Warburton

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**MP409\*****MINING ACT 1978  
FORFEITURE**Department of Mines and Petroleum,  
100 Plain Street, East Perth WA 6004.

I hereby declare in accordance with the provisions of section 99(1)(a) of the *Mining Act 1978* that the undermentioned mining lease is forfeited for breach of covenant, being failure to comply with the prescribed expenditure condition, with prior right of application being granted to the applicant for forfeiture under section 100(2).

NORMAN MOORE MLC, Minister for Mines and Petroleum.

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<b>Number</b>	<b>Holder</b>	<b>Mineral Field</b>
		<b>MINING LEASE</b>
80/417	JSW Holdings Pty Ltd	Kimberley

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**MP410\*****MINING ACT 1978  
RESTORATION OF MINING LEASE**Department of Mines and Petroleum,  
Perth WA 6000.

In accordance with section 97A(8) of the *Mining Act 1978*, I hereby cancel the forfeiture of the undermentioned mining lease previously forfeited for non payment of penalty imposed in lieu of forfeiture for non compliance with the reporting provisions and restore the mining lease to the former holder.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

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<b>Number</b>	<b>Holder</b>	<b>Mineral Field</b>
		<b>MINING LEASE</b>
09/96	Quarry Park Pty Ltd	Gascoyne

MP411\*

**MINING ACT 1978**  
FORFEITURE

Department of Mines and Petroleum,  
Perth WA 6000.

I hereby declare in accordance with the provisions of section 97(1) of the *Mining Act 1978* that the undermentioned mining tenement is forfeited for breach of covenant, being non- payment of rent.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

Number	Holder	Mineral Field
	MINING LEASE	
58/251	Riggs De Vree Constructions Pty Ltd	Murchison

MP412\*

**MINING ACT 1978**  
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,  
Mt. Magnet WA 6638.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

K. TAVENER, Warden.

To be heard by the Warden at MT. MAGNET on 23 February 2012.

**EAST MURCHISON MINERAL FIELD**  
PROSPECTING LICENCES

P 57/1105	Panoramic Gold Pty Ltd
P 57/1106	Panoramic Gold Pty Ltd
P 57/1245	Zuks, Nikolajas Zuks, Adam

**MURCHISON MINERAL FIELD**  
PROSPECTING LICENCES

P 20/2007	Stonevale Enterprises Pty Ltd
	<b>YALGOO MINERAL FIELD</b> PROSPECTING LICENCES
P 59/1882-I	Gindalbie Metals Ltd

MP413\*

**MINING ACT 1978**  
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,  
Mt. Magnet WA 6638.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

K. TAVENER, Warden.

To be heard by the Warden at MT. MAGNET on 23 February 2012.

**MURCHISON MINERAL FIELD  
PROSPECTING LICENCES**

P 58/1486 Bennett, William

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## PLANNING

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PL101\*

*CORRECTION*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Kalamunda*

Local Planning Scheme No. 3—Amendment No. 34

It is hereby notified for public information that the notice under the above Amendment No 34 published at page 5461 of the *Government Gazette* No. 248, dated 23 December 2011, contained an error which is now corrected as follows—

For the word: DATE

Read: 25 November 2011

J. TRAIL, Chief Executive Officer.

PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1219/41  
SOUTH BULLSBROOK INDUSTRIAL PRECINCT  
Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Swan and is seeking public comment.

The amendment seeks to transfer approximately 428.97 ha of Rural zoned land to the Industrial zone in the MRS. The amendment also seeks to reserve and widen Stock Road as Other Regional Roads (ORR), and the adjustment of the associated Bush Forever (Site 296) Notification in the MRS.

The proposed Industrial zoning will allow for the staged primarily light industrial development of the land following a local scheme amendment, detailed structure planning and subdivision approval.

### Display locations

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Tuesday 8 November 2011 to Friday 10 February 2012 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth
- City of Fremantle
- City of Swan
- City of Wanneroo

Documents are also available from the PlanningWA website [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

### Submissions

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 41. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001; on or before 5 pm **Friday 10 February 2012**.

Late submissions will not be considered.

NEIL THOMSON, Secretary,  
Western Australian Planning Commission.

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## RACING, GAMING AND LIQUOR

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RA401\*

**LIQUOR CONTROL ACT 1988**

## LIQUOR APPLICATIONS

The following are applications received under the *Liquor Control Act 1988 (the Act)* that are required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR THE GRANT OF A LICENCE			
14273	Woolworths Limited	Application for the grant of a Liquor Store licence in respect of premises situated in Leeming and known as Woolworths Supermarket Treendale	18/01/2012

This notice is published under section 67(5) of the Act.

Dated: 30 December 2011.

B. A. SARGEANT, Director of Liquor Licensing.

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## DECEASED ESTATES

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ZX401\*

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act, relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me, on or before 6 February 2012 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Cream, Lucy Kathleen also known as Kath Cream late of Little Sisters of the Poor—Glendalough 2 Rawlins Street, Glendalough died 1 December 2011 (DE 30318944 EM17)

Facini, Joseph also known as Josip Facini late of 7 Tuckfield Street, Fremantle 6160 died 1 July 2011 (DE 33090747 EM113)

Flood-Holmberg, Kevin Patrick late of St.-Rita's Nursing Home, 25 View Street, North Perth 6006 died 26 August 2011 (DE 33061235 EM37)

Gercama, Rients late of 30 Swan Street, Guildford 6055 died 24 November 2011 (PM 33045098 TM52)

Jenkins, Ian Alexander formerly of 60/107 Goderich Street, East Perth WA 6004 late of Balmoral Transitional Care Program 29 Gardner Street, Como 6152 died 7 August 2011 (DE 33091468 EM26)

Millar, Robyn Denise also known as Robyn Denise Long late of 9 Poinciana Street, Kununurra WA 6743 died 26 November 2009 (DE 33086558 EM37)

Mosdell, Alice formerly of Room 109 Edinboro House, 136 Edinboro Street, Joondanna 6060 late of Bethanie Beachside Nursing Home, 629 Two Rocks Road, Yanchep died 7 August 2011 (DE 33051928 EM37)

BRIAN ROCHE, Public Trustee,  
Public Trust Office,  
565 Hay Street,  
Perth WA 6000.  
Telephone: 9222 6777