



Western Australia

Child Care Services (Rural Family Care) Regulations 2010

Compare between:

[22 May 2010, 00-a0-01] and [07 Jan 2012, 00-b0-03]

Child Care Services (Rural Family Care) Regulations 2010

Part 1 — Preliminary

1. Citation

These regulations are the *Child Care Services (Rural Family Care) Regulations 2010*.

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. Terms used

In these regulations, unless the contrary intention appears —

~~approved means approved by the CEO;~~

care session means a discrete period during which children are in the care of a rural family care service;

enrolled child, in relation to a rural family care service, means a child for whom the service is provided;

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

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licence means a licence authorising the provision of a rural family care service;

licensee means the holder of a licence;

notify means notify in writing;

place means —

- (a) the place specified in a licence as the place at which a rural family care service is authorised to be provided; and
- (b) in relation to ~~an~~ [a licence](#) application ~~for a licensee~~, the place at which the [licence](#) applicant ~~for the licensee~~ proposes to operate the rural family care service to which the application relates;

rural family care service has the meaning given in regulation 4(1);

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

section means a section of the Act;

staff member, in relation to a rural family care service, means the supervising officer for the service or any other person employed in the service;

volunteer means a person who is not a staff member and who has reached 18 years of age;

water activity means swimming or any other activity in a body of water;

working day means a day that is not a Saturday, Sunday, public holiday or public service holiday.

[\[Regulation 3 amended in Gazette 6 Jan 2012 p. 43.\]](#)

4. Rural family care service

- (1) A rural family care service is a child care service, other than a family day care service, that is provided —
 - (a) at a location in the State specified in Schedule 1; and

- (b) for not more than 7 children each of whom has not commenced a secondary programme.
- (2) A rural family care service is prescribed as a type of child care service for the purposes of the Act.

5. Saving

Nothing in these regulations limits the operation of local laws made under the *Health Act 1911* or the *Local Government Act 1995* or affects any lawful requirement of the Director of Operations appointed under the *Fire Brigades Act 1942*.

Part 2 — Licensing issues

Division 1 — ~~Application for licence~~Licence application

[Heading inserted in Gazette 6 Jan 2012 p. 43.]

6. Licence application — required documents and information

~~[(1) *In this regulation — deleted]*~~

~~*nominated supervising officer* includes the applicant for the licence if the applicant is an individual.~~

(2) This regulation prescribes documents and information that are to accompany ~~an~~ licence application for ~~a licence for~~ the purposes of section 11(b).

(3) Each licence application ~~for a licence~~ must be accompanied by the following —

~~(a) a criminal record check on the nominated supervising officer issued not more than 6 months before the date of the application;~~

~~(b) a copy of a current first aid qualification held by the nominated supervising officer;~~

~~(c) information about the time spent by the nominated supervising officer engaged in any one or more of the fields of children's services, education services, recreational services, child development, administration and staff management;~~

~~[(a)-(c) deleted]~~

(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 on the land comprising the place where the rural family care service is to be provided;

- (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 the place has not previously been used for a child care service and is not owned by a public authority — any current certificate of classification relating to the place issued under the *Building Regulations 1989* Part 5.

~~(4) Each application for a licence~~ (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.

(4) Each licence application by a corporate applicant must also 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;
- (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;
- (c) in the case of an incorporated association — a copy of the certificate of incorporation of the association.

~~7. Advertisement of licence application~~

- ~~(1) An applicant for a licence must arrange for notice of the application to be published in an edition of *The West Australian* newspaper.~~
- ~~(2) The notice must be published within 28 days after the date on which the application was made.~~
- ~~(3) The notice must be in the approved form and must include the following—~~
 - ~~(a) if the applicant is an individual—the full name of the applicant;~~
 - ~~(b) if the applicant is a corporate applicant or public authority—the full name and business address of the applicant;~~
 - ~~(c) if the applicant is a public authority—the full name of its chief executive officer;~~
 - ~~(d) the address of the place at which the applicant proposes to operate the rural family care service;~~
 - ~~(e) a statement to the effect that an objection to the grant of the licence may be made in writing to the CEO, at the address specified in the notice, within 14 days after the date on which the notice is published.~~
- ~~(4) The CEO must not grant a licence unless the CEO has received proof that the applicant has complied with this regulation.~~

~~*[Regulation 6 amended in Gazette 6 Jan 2012 p. 43-4.]*~~

~~*[7. Deleted in Gazette 6 Jan 2012 p. 44.]*~~

8. Prescribed qualifications (s. 12(2)(c))

For the purposes of section 12(2)(c), a current first aid qualification is prescribed in relation to a rural family care service.

~~Division 2 — Application for renewal of licence 2~~ — Renewal application

[Heading inserted in Gazette 6 Jan 2012 p. 44.]

9. **Renewal application — required documents and information**

~~(1)~~ (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 ~~ana renewal~~ application for ~~renewal for~~ the purposes of section 22(2)(c).

(23) Each renewal application ~~for renewal~~ by an individual must be accompanied by the following —

- (a) a criminal record check on the ~~supervising officer~~ 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 ~~supervising officer~~ renewal applicant;
- (c) a financial assessment in the approved form.

(34) Each renewal application ~~for renewal~~ by a body corporate that is not a public authority must ~~also~~ 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.

[Regulation 9 inserted in Gazette 6 Jan 2012 p. 44-5.]

10. Prescribed time for renewal application (s. 22(2)(b))

For the purposes of section 22(2)(b), the prescribed time is not less than 60 days before the licence expires.

[Division 3—Objection

(r. 11.—Objection to grant of licence

~~—(1)— Any person may object to the grant of a licence on the ground that the applicant is not a fit and proper person to provide or be involved) deleted in the provision of a child care service. Gazette 6 Jan 2012 p. 45.]~~

~~—(2)— An objection must —~~

~~—(a)— be made to the CEO in writing; and~~

~~—(b)— set out the grounds on which it is made.~~

~~—(3)— If an objection is made to the CEO within 14 days after the publication of a notice under regulation 7, the CEO must consider it before deciding whether or not to grant the licence.~~

~~(4) If an objection is made to the CEO at any other time, the CEO may consider it.~~

Division 4 — Surrender

12. Surrender of licence

(1) A licensee may at any time by notice in writing to the CEO surrender the licence.

~~(2) Subregulation (1) does not apply if a matter relating to the licensee has been referred to the State Administrative Tribunal under section 29(2) and the matter has not been disposed of by the Tribunal.~~

~~[(2) deleted]~~

~~[Regulation 12 amended in Gazette 6 Jan 2012 p. 45.]~~

Part 3 — Supervising officers

13. Presence of supervising officer at place

- (1) For the purposes of section 18, in an emergency situation the supervising officer may be absent from the place at which the rural family care service is provided.
- (2) If in an emergency situation the supervising officer is absent from the place and enrolled children remain at the place during his or her absence, the licensee must ensure that —
 - (a) a person who has reached 18 years of age supervises the children during the supervising officer's absence; and
 - (b) the parents of the children are notified that the supervising officer is absent from the place and that the children are being supervised by a person who has reached 18 years of age.

Penalty: a fine of \$6 000.

~~[14. — Application for change of supervising officer~~

~~— (1) — In this regulation —~~

~~— *proposed supervising officer* means a person, [15. Deleted](#) in respect of whom an application is made under subregulation (2).~~

~~— (2) — If a licence is held by a body corporate or public authority, the licensee may apply under section 32 to amend the licence so that it specifies a different person as the person responsible for the day-to-day supervision and control of the rural family care service.~~

~~— (3) — An application under subregulation (2) must be —~~

~~— (a) — in the approved form; and~~

~~— (b) — accompanied by the following —~~

- ~~(i) a criminal record check on the proposed supervising officer issued not more than [Gazette](#) 6 months before the date of the application; [Jan 2012 p. 45.1](#)~~
- ~~(ii) a copy of a current first aid qualification held by the proposed supervising officer;~~
- ~~(iii) information about the time spent by the proposed supervising officer engaged in any one or more of the fields of children's services, education services, recreational services, child development, administration and staff management.~~
- ~~(4) The CEO must not amend the licence unless the CEO is satisfied —~~
- ~~(a) in the case of a licence granted to a body corporate other than a public authority — that section 16 would not have prevented the grant of the licence if the proposed supervising officer had been the nominated supervising officer; or~~
- ~~(b) in the case of a licence granted to a public authority — that section 17 would not have prevented the grant of the licence if the proposed supervising officer had been the nominated supervising officer.~~

15. Application for person to act in place of licensee or supervising officer

- ~~(1) A licensee must not appoint a person (the **proposed replacement**) to act in place of the licensee or supervising officer without the prior written approval of the CEO.~~
- ~~(2) An application for approval under subregulation (1) must be —~~
- ~~(a) in the approved form; and~~
- ~~(b) accompanied by the following —~~

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- ~~————— (i) a criminal record check on the proposed replacement issued not more than 6 months before the date of the application;~~
- ~~————— (ii) a copy of a current first aid qualification held by the proposed replacement;~~
- ~~————— (iii) information about the time spent by the proposed replacement engaged in any one or more of the fields of children's services, education services, recreational services, child development, administration and staff management.~~
- ~~————— (3) The CEO must not give approval unless the CEO is satisfied ———~~
 - ~~————— (a) in the case of a licence granted to an individual — that section 15 would not have prevented the grant of the licence if the proposed replacement had been the applicant for the licence; or~~
 - ~~————— (b) in the case of a licence granted to a body corporate other than a public authority — that section 16 would not have prevented the grant of the licence if the proposed replacement had been the nominated supervising officer; or~~
 - ~~————— (c) in the case of a licence granted to a public authority — that section 17 would not have prevented the grant of the licence if the proposed replacement had been the nominated supervising officer.~~
- ~~————— (4) The approval of the CEO under subregulation (1) may be given subject to conditions.~~
- ~~————— (5) A licensee must comply with any condition imposed under subregulation (4).~~
- ~~————— Penalty: a fine of \$2 000.~~

16. Medical examination

- (1) The CEO may, by written notice, require a supervising officer to undergo a medical examination within the time specified in the notice.
- (2) The CEO is to set out in the notice the purpose of the medical examination.
- (3) A supervising officer must comply with a requirement under subregulation (1).
Penalty: a fine of \$2 000.
- (4) A supervising officer who undergoes a medical examination in compliance with a requirement under subregulation (1) must —
 - (a) obtain a report on the examination in the approved form;
and
 - (b) give a copy of the report to the CEO.

Penalty: a fine of \$2 000.

Part 4 — Safety and health of children

Division 1 — Protection from harm

17. Visual images of enrolled child

- (1) A licensee must ensure that a visual image of an enrolled child is not taken or recorded at the place without the written consent of the child's parent.

Penalty: a fine of \$3 000.

- (2) Subregulation (1) does not apply to the taking or recording of a visual image —

- (a) by a licensing officer when exercising a power or performing a duty under the Act; or
- (b) for the purpose of monitoring an enrolled child.

- (3) A licensee or staff member must not use a visual image of an enrolled child taken or recorded at the place for any purpose without the written consent of the child's parent.

Penalty: a fine of \$3 000.

- (4) Subregulation (3) does not apply to the use of a visual image for the purpose of monitoring an enrolled child.

- (5) A licensee must ensure that a visual image of an enrolled child taken or recorded at the place for the purpose of monitoring an enrolled child is not —

- (a) transmitted on the internet; or
- (b) removed from the place.

Penalty: a fine of \$3 000.

18. People convicted of a prescribed offence

[\(1A\) 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.

- (1) A licensee must ensure that a person who —
 - (a) has been convicted of a prescribed offence; and
 - (b) does not have a current assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1)(a),

is not permitted to attend the place during a care session without the prior written approval of the CEO.

Penalty: a fine of \$5 000.

- (2) In proceedings for an offence under subregulation (1), it is a defence for the licensee to show that the licensee did not know, and could not reasonably be expected to have known, that the person had been convicted of a prescribed offence.

[Regulation 18 amended in Gazette 6 Jan 2012 p. 45.]

19. Notification of convictions

- (1) For the purpose of Schedule 1 item 18 to the Act, a conviction of a licensee for an offence against the Act or these regulations (*a relevant offence*) is a prescribed matter.
- (2) If a licensee is convicted of a relevant offence, the CEO must notify the parents of children for whom the rural family care service is provided that the licensee has been convicted of that offence.
- (3) For the purposes of giving the notification referred to in subregulation (2), the CEO may require the licensee to give the CEO a list of the names and addresses of the parents.
- (4) A licensee must comply with a requirement under subregulation (3).

Penalty: a fine of \$3 000.

20. Notification of harm to enrolled child

- (1) In this regulation —

CEO (child protection) means the chief executive officer of the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*.

- (2) A licensee must notify the CEO of —

- (a) the death of an enrolled child during a care session and the circumstances in which the death occurred; and
- (b) an illness or injury suffered by an enrolled child during a care session that results in the child attending hospital, the nature of the illness or injury and the circumstances in which it occurred.

Penalty: a fine of \$6 000.

- (3) A licensee must notify the CEO (child protection) of any allegation of abuse, neglect or assault, including sexual assault, of an enrolled child during a care session, or of an offence under *The Criminal Code* Chapter XXII committed against an enrolled child during a care session, that is made against the licensee, a managerial officer of the licensee, a staff member or a volunteer.

Penalty: a fine of \$6 000.

- (4) A notification under subregulation (2) or (3) must be given within one working day after the day on which the death, injury or illness occurred or the allegation was made, as the case requires.

- (5) A licensee must notify the CEO (child protection) of the outcome of any investigation into an allegation referred to in subregulation (3).

Penalty: a fine of \$6 000.

21. Protection from inappropriate behaviour

- (1) A licensee must ensure that an enrolled child is not subjected to any form of corporal punishment, punishment by solitary confinement, punishment by physical restraint or other demeaning, humiliating or frightening punishment.

Penalty: a fine of \$4 000.

- (2) A licensee must ensure that an enrolled child is protected from bullying, violence and harassment.

Penalty: a fine of \$4 000.

Division 2 — Excursions

22. Excursions

- (1) A licensee must ensure that enrolled children are not taken on an excursion from the place unless —

(a) the supervising officer has prepared an excursion plan in accordance with regulation 24; and

(b) a parent of each child to be taken on the excursion has, after being advised of the nature, location and date of the excursion, and the proposed times of departure from and return to the place —

(i) given authorisation in accordance with subregulation (2) for the child to be taken on that excursion; and

(ii) provided the licensee with contact details in the event of an emergency;

and

(c) the staff member in charge of the excursion has with him or her a list of all those children and the contact details referred to in paragraph (b)(ii) for those children.

Penalty: a fine of \$3 000.

- (2) An authorisation for the purposes of subregulation (1)(b)(i) must be signed by the parent and include the following information —
 - (a) the date of the excursion;
 - (b) the destination;
 - (c) the proposed times of departure from and return to the place.
- (3) Subregulation (1) does not apply to an excursion that consists of a walk to and from a destination in the local area if a parent of each child on the excursion has given written permission for the child to go on that excursion or on excursions of that kind.

23. First aid kit on excursions

- (1) A licensee must ensure that a fully equipped and properly maintained first aid kit containing at least the items listed in regulation 34(2) is taken on all excursions from the place.
Penalty: a fine of \$2 000.
- (2) Subregulation (1) does not apply to an excursion referred to in regulation 22(3).
- (3) A first aid kit kept at the place under regulation 34(1) may be taken on an excursion if no enrolled child remains at the place during the period of the excursion.

24. Excursion plans

A licensee must ensure that an excursion plan for the purposes of regulation 22(1)(a) is in writing and includes details of the following —

- (a) the nature, location and date of the excursion;
- (b) the proposed times of departure from and return to the place;
- (c) transport and supervision arrangements for the excursion;

- (d) the programme of activities (including contingency plans for inclement weather);
- (e) safety and health measures and emergency plans.

Penalty: a fine of \$2 000.

25. Mobile telephones for excursions

- (1) A licensee must ensure that the staff member in charge of an excursion has a mobile telephone and can be contacted on that telephone at all times during the excursion.

Penalty: a fine of \$2 000.

- (2) Subregulation (1) does not apply if the excursion is to take place in an area that does not have mobile telephone coverage.

Division 3 — Water activities

26. Wading or paddling pools at the place

- (1) A licensee must ensure that a wading or paddling pool is not kept at the place unless it can be emptied by one person.

Penalty: a fine of \$3 000.

- (2) A licensee must ensure that a wading or paddling pool at the place is emptied and stored while not in use in such a manner that it cannot collect water.

Penalty: a fine of \$3 000.

27. Supervision of water play

A licensee must ensure that an enrolled child who is engaged in water play (such as wading, paddling, vortex or water trolley) at the place is supervised at all times by a person who has reached 18 years of age.

Penalty: a fine of \$4 000.

28. Supervision of water activity excursion

- (1) If enrolled children are taken on an excursion for a water activity, the licensee must ensure that the children are supervised in accordance with the following requirements —
 - (a) there must be at least one person (either a staff member or a volunteer) for each child who is under 3 years of age;
 - (b) there must be at least one person (either a staff member or a volunteer) for every 2 children who have reached 3 years of age and for any remainder of such children;
 - (c) at least one of the people supervising the children must have a current basic rescue certificate and a resuscitation certificate or its equivalent.

Penalty: a fine of \$4 000.

- (2) The requirements of this regulation are additional to the requirements of Division 2.

Division 4 — Other matters

29. ~~Administration~~ 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.

~~(1) 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.

- ~~(23)~~ Subregulation ~~(12)~~ does not apply to the self-administration of a non-prescription asthma inhaler.

[Regulation 29 inserted in Gazette 6 Jan 2012 p. 46.]

30. Alcohol and drugs

- (1) A licensee must ensure that a person who appears to be adversely affected by alcohol, drugs or any other potentially deleterious substance does not remain at the place during a care session.

Penalty: a fine of \$3 000.

- (2) A licensee must ensure that a person who is at the place during a care session does not —
- (a) consume alcohol; or
 - (b) take or possess illegal drugs; or
 - (c) take or possess any other potentially deleterious substance.

Penalty: a fine of \$3 000.

31. Cleanliness, maintenance and repair of place

- (1) A licensee must ensure that the place and all equipment and furnishings at the place are maintained in a thoroughly safe, clean and hygienic condition and in good repair.

Penalty: a fine of \$3 000.

- (2) A licensee must ensure that the place is kept free from rodents, cockroaches and other vermin.

Penalty: a fine of \$3 000.

32. Emergency procedures and rehearsals

- (1) A licensee must develop and set down in writing —
- (a) evacuation and emergency procedures to be followed by staff members in case of fire, natural disaster or other emergencies; and

- (b) appropriate procedures to be followed by staff members for the care of ill or injured children.

Penalty: a fine of \$3 000.

- (2) A licensee must ensure that a rehearsal of the evacuation and emergency procedures set down under subregulation (1) is conducted at least twice in each calendar year.

Penalty: a fine of \$3 000.

33. Exclusion on grounds of communicable disease

- (1) A licensee must ensure that an enrolled child or other person is excluded from the place if there are reasonable grounds for suspecting that the child or other person is suffering from a communicable disease.

Penalty: a fine of \$4 000.

- (2) A licensee must ensure that all reasonable measures are taken to notify staff members, parents of enrolled children and visitors to the place of an exclusion under subregulation (1).

Penalty: a fine of \$4 000.

- (3) For the purposes of excluding an enrolled child or other person from the place, the supervising officer may —

- (a) refuse to admit the child or other person to the place; or
- (b) in the case of an unaccompanied child or a child who is already at the place — request a parent of the child to take the child from the place as soon as practicable; or
- (c) in the case of another person who is already at the place — request the person to leave the place immediately.

34. First aid kit

- (1) A licensee must ensure that a fully equipped and properly maintained first aid kit is kept at the place at all times, except in the circumstances permitted by regulation 23(3).

Penalty: a fine of \$2 000.

- (2) Without limiting subregulation (1), a licensee must ensure that the first aid kit includes the following items —
- (a) a triangular bandage;
 - (b) a crepe bandage;
 - (c) an adequate variety of sterile wound dressings;
 - (d) a resuscitation face shield;
 - (e) a notebook and pencil;
 - (f) scissors;
 - (g) disposable gloves.

Penalty: a fine of \$2 000.

35. Food and nutrition

- (1) This regulation applies to a rural family care service if food prepared at the place is provided to enrolled children.
- (2) A licensee of a rural family care service to which this regulation applies must ensure that —
- (a) the food provided is nutritious and varied; and
 - (b) regard is had to the dietary needs of individual enrolled children arising from any specific cultural, religious or health requirements; and
 - (c) the menu for each week is prominently displayed at the place.

Penalty: a fine of \$4 000.

36. Hygiene standards

A licensee must ensure that reasonable standards of hygiene are observed and maintained in the provision of a rural family care service.

Penalty: a fine of \$2 000.

37. Illness or accident

A licensee must ensure that a parent of a child enrolled for a care session on any day is notified on the same day of —

- (a) an illness or injury suffered by the child during the care session; or
- (b) the occurrence of an accident involving the child during the care session.

Penalty: a fine of \$4 000.

38. Plants

A licensee must identify any poisonous vegetation at the place and ensure that the vegetation is not accessible to children.

Penalty: a fine of \$2 000.

39. Power outlets

A licensee must ensure that each general purpose power outlet at the place —

- (a) is installed at a minimum height of 1 200 mm above the floor; or
- (b) is fitted with approved integral safety shutters or with an earth leakage circuit breaker.

Penalty: a fine of \$4 000.

40. Shade

A licensee must ensure that outdoor space required under regulation 65 is provided with adequate shade in accordance with approved guidelines.

Penalty: a fine of \$4 000.

41. Smoke or fire detectors

- (1) A licensee must ensure that the place is equipped with smoke or fire detection devices fitted in accordance with the manufacturer's instructions.

Penalty: a fine of \$4 000.

- (2) A licensee must ensure that a device required under subregulation (1) is maintained in working order.

Penalty: a fine of \$4 000.

42. Smoking

A licensee must ensure that a person who is at the place during a care session does not smoke a cigarette, cigar or pipe.

Penalty: a fine of \$3 000.

43. Storage of tools and dangerous materials

- (1) A licensee must ensure that tools at the place are stored so that they are inaccessible to children.

Penalty: a fine of \$4 000.

- (2) A licensee must ensure that cleaning supplies, first aid supplies and other toxic materials at the place are —

(a) clearly identified as such; and

(b) stored so that they are inaccessible to children.

Penalty: a fine of \$4 000.

- (3) A licensee must ensure that flammable materials at the place are stored separately from anything that constitutes or is likely to constitute a fire hazard.

Penalty: a fine of \$4 000.

44. Supervision of enrolled children

- (1) A licensee must ensure that the enrolled children are supervised by at least one person who has reached 18 years of age.

Penalty: a fine of \$6 000.

- (2) A licensee must ensure that the enrolled children are supervised in a manner that is sufficient to ensure the wellbeing of the children and is appropriate to —
- (a) the children's stage of development; and
 - (b) the activity in which the children are engaging.

Penalty: a fine of \$6 000.

- (3) Without limiting subregulation (2), a licensee must ensure that an ill or injured child is under the direct supervision of a staff member.

Penalty: a fine of \$6 000.

45. Trampolines

A licensee must ensure that an enrolled child who is using a trampoline at the place is supervised at all times by a person who has reached 18 years of age.

Penalty: a fine of \$4 000.

46. Transport procedures

If a rural family care service provides transport for enrolled children, the licensee must develop and set down in writing appropriate procedures for such transport that include, but are not limited to the following —

- (a) procedures for supervising enrolled children while walking to and from a vehicle and while travelling in a vehicle;
- (b) the kinds of vehicle that may be used to transport enrolled children;
- (c) procedures for engaging and utilising the services of transport providers and volunteers;

- (d) rules relating to the behaviour of enrolled children while they are being collected or transported and strategies for enforcing those rules;
- (e) procedures in case of a breakdown of a vehicle or an accident or other emergency.

Penalty: a fine of \$2 000.

47. Transport of enrolled children

A licensee must ensure an enrolled child is not transported in a motor vehicle without the written authorisation of a parent of the child.

Penalty: a fine of \$2 000.

Part 5 — Learning and development

48. Programming requirements

- (1) A licensee must ensure the provision of a programme that is developmentally appropriate to the needs of enrolled children.
Penalty: a fine of \$3 000.
- (2) Without limiting subregulation (1), a licensee must ensure that the programme —
 - (a) meets the play and relaxation needs of enrolled children; and
 - (b) provides a balance of indoor and outdoor activities; and
 - (c) includes activities that enrolled children may choose to participate in; and
 - (d) is designed to stimulate and provide for the development of each enrolled child's social, cultural, physical, emotional, intellectual, language and creative potential.Penalty: a fine of \$3 000.
- (3) A licensee must ensure that a copy of the programme is prominently displayed in the indoor playing area at the place.
Penalty: a fine of \$3 000.

49. Play equipment and materials

- (1) A licensee must ensure that play equipment and materials are suitable —
 - (a) for the development stages of enrolled children; and
 - (b) for the number of enrolled children; and
 - (c) to provide for all areas of child development and play; and
 - (d) for carrying out the programme referred to in regulation 48.Penalty: a fine of \$2 000.

- (2) A licensee must ensure that enrolled children using play equipment are supervised at all times.
Penalty: a fine of \$2 000.
- (3) A licensee must ensure that play equipment does not pose a hazard to children because of its design, manufacture, installation or use.
Penalty: a fine of \$2 000.

50. Managing the behaviour of children

- (1) A licensee must ensure that an enrolled child is given positive guidance directed towards acceptable behaviour.
Penalty: a fine of \$4 000.
- (2) A licensee must ensure that an enrolled child taken from an activity for unacceptable behaviour is supervised by a staff member at all times.
Penalty: a fine of \$4 000.

51. Behaviour management procedures

- (1) A licensee must develop and set down in writing appropriate procedures to be followed by staff members in managing the behaviour of enrolled children.
Penalty: a fine of \$2 000.
- (2) A licensee must develop and set down in writing appropriate procedures to be followed by staff members in managing the behaviour of individuals, other than enrolled children, who are violent or abusive towards staff members or enrolled children.
Penalty: a fine of \$2 000.

Part 6 — Place where rural family care service provided

52. Application to modify the place

- (1) A licensee must not modify the place without the prior written approval of the CEO.
Penalty: a fine of \$2 000.
- (2) An application for approval under subregulation (1) must —
 - (a) be in the approved form; and
 - (b) be lodged with the CEO at least 30 days before the proposed modification is expected to begin; and
 - (c) show that the wellbeing of children attending the rural family care service will not be affected by the modification.
- (3) The approval of the CEO under subregulation (1) may be given subject to conditions.
- (4) A licensee must comply with any condition imposed under subregulation (3).
Penalty: a fine of \$2 000.
- (5) On completion of the modification of the place, a licensee must give the CEO a copy of any current certificate of classification relating to the place issued under the *Building Regulations 1989* Part 5.
Penalty: a fine of \$2 000.

53. Animals

- (1) A licensee must ensure that an animal or bird kept at the place is maintained in a clean and healthy condition.
Penalty: a fine of \$2 000.
- (2) If an animal or bird is kept at the place, a licensee must ensure that —

- (a) the place has an area where the animal or bird can be kept that is separate and apart from any area used by children; and
- (b) enrolled children are not allowed access to the animal or bird except under the direct supervision of a person who has reached 18 years of age.

Penalty: a fine of \$2 000.

- (3) If an animal or bird is kept at the place, the CEO may direct the licensee to keep it in the separate area referred to in subregulation (2)(a).
- (4) The licensee must comply with a direction under subregulation (3).

Penalty: a fine of \$2 000.

54. Bathroom facilities

- (1) A licensee must ensure that the place has —
 - (a) one toilet with a firm step and a junior seat; and
 - (b) one hand basin with a firm step.

Penalty: a fine of \$3 000.

- (2) If the enrolled children include children who have not reached 3 years of age, a licensee must ensure that the following are provided at the place —
 - (a) a changing bench or mat with a washable top;
 - (b) one sink type bath that is —
 - (i) supplied with hot and cold water; and
 - (ii) positioned adjacent to the changing bench or mat referred to in paragraph (a).

Penalty: a fine of \$3 000.

55. Electrical installations

- (1) A licensee must ensure that an electrical distribution board or control panel located in a children's play or rest area at the place is behind a lockable door.
Penalty: a fine of \$4 000.
- (2) A licensee must ensure that aerial power supply cables operating at voltages in excess of extra low voltage are located at the place so that clearances from mesh fences, gates and similar climbable structures are in accordance with AS/NZS 3000:2007 Electrical installations (known as the Australia/New Zealand Wiring Rules) published jointly by Standards Australia and Standards New Zealand.
Penalty: a fine of \$4 000.
- (3) A licensee must ensure that cable pits and similar installations at the place are provided with lids which by weight or mechanical means restrict access.
Penalty: a fine of \$4 000.

56. Exits

- (1) A licensee must ensure that children are able to open interconnecting doors of rooms at the place that they are permitted to use and that door handles are positioned between 750 mm and 1 000 mm from the floor.
Penalty: a fine of \$4 000.
- (2) A licensee must ensure that doors giving direct access from the place to the street are locked in a manner that does not prevent effective evacuation of the place.
Penalty: a fine of \$4 000.
- (3) A licensee must ensure that there are at least 2 exits from the place, and that those exits are as widely separated as practicable and are readily accessible.
Penalty: a fine of \$4 000.

57. Fans

- (1) A licensee must ensure that any wall mounted fan at the place —
- (a) has blade guards fitted in accordance with the manufacturer's instructions; and
 - (b) is located so that blades are at least 2 000 mm above the floor.

Penalty: a fine of \$3 000.

- (2) A licensee must ensure that any ceiling mounted fan at the place that has blades 2 400 mm or less above the floor is not operated if an enrolled child has access to the area in which the fan is located.

Penalty: a fine of \$3 000.

- (3) A licensee must ensure that any freestanding fan at the place is located so that enrolled children are adequately protected from inadvertent physical contact with the fan or any electrical connection to it.

Penalty: a fine of \$3 000.

58. Fencing

- (1) A licensee must ensure that the place is enclosed by a fence, or an approved barrier, that —
- (a) is at least 1 200 mm in height; and
 - (b) does not provide any foothold for climbing.

Penalty: a fine of \$4 000.

- (2) A licensee must ensure that a gate in a fence, or an approved barrier, referred to in subregulation (1) —

- (a) is at least 1 200 mm in height; and
- (b) does not provide any foothold for climbing.

Penalty: a fine of \$4 000.

- (3) A licensee must ensure that a gate in a fence at the place that offers access from the place or to a hazard is equipped with an efficient self-locking mechanism or lock.

Penalty: a fine of \$4 000.

- (4) A licensee must ensure that a place that is adjacent to or provides access to any creek, river, dam or similar body of water is separated from that body of water by a fence that conforms with the requirements of subregulations (1), (2) and (3).

Penalty: a fine of \$4 000.

59. Furniture

A licensee must ensure that adequate furniture is available at the place to meet the physical and developmental needs of children attending the place.

Penalty: a fine of \$2 000.

60. Heating

- (1) If a radiant type electrical heater is used in play or rest rooms at the place, a licensee must ensure that it is fixed in position and installed so that any part of the heating element is at least 2 130 mm above the floor and at least 300 mm below the ceiling.

Penalty: a fine of \$4 000.

- (2) A licensee must ensure that a portable kerosene heater is not used at the place.

Penalty: a fine of \$4 000.

- (3) A licensee must ensure that an oil-filled, fan type or similar low surface temperature heater is not used at the place unless the appliance —

- (a) is fitted with its own temperature safety thermostat; and
(b) does not constitute a fire hazard; and

- (c) is effectively shielded or guarded so that live parts cannot be probed by a child.

Penalty: a fine of \$4 000.

- (4) A licensee must ensure that a fire or heating apparatus at the place (other than a low surface temperature heater) is effectively shielded or guarded when in use to prevent —
 - (a) direct contact or access by any child; and
 - (b) the emission of any sparks or flame.

Penalty: a fine of \$4 000.

61. Hot water

A licensee must ensure that every hot water tap to which an enrolled child has access at the place is —

- (a) thermostatically controlled at a temperature of less than 42°C; or
- (b) fitted with an approved device which effectively prevents the operation of the tap by an enrolled child.

Penalty: a fine of \$3 000.

62. Kitchen

A licensee must ensure that the place has a kitchen equipped with the following —

- (a) a sink;
- (b) a device for heating food;
- (c) a refrigerator;
- (d) a supply of hot water.

Penalty: a fine of \$3 000.

63. Laundry

- (1) A licensee must ensure that —

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- (a) the place has a laundry area equipped in accordance with subregulation (2); or
- (b) approved laundering arrangements are made.

Penalty: a fine of \$3 000.

- (2) A laundry area must be equipped with the following —
 - (a) a washing machine;
 - (b) a trough;
 - (c) a supply of hot water;
 - (d) a sink or other facility suitable for dealing with soiled nappies.
- (3) If nappies are not laundered at the place, a licensee must ensure that a suitable sealed container for soiled nappies is provided.

Penalty: a fine of \$3 000.

64. Space requirement for indoor play

- (1) A licensee must ensure that the place has an area of indoor space suitable for children's play of at least —
 - (a) 3.25 m² multiplied by the number equal to the maximum number of children who may attend a care session specified in the licence; and
 - (b) 1 m² multiplied by the number equal to the number of enrolled children from 0 to 2 years of age present at the place during a care session.

Penalty: a fine of \$3 000.

- (2) When calculating the area of indoor space for the purposes of subregulation (1) the area of any built-in cupboard, bench, passageway, thoroughfare, bathroom, toilet or shower is not to be taken into account.

65. Space requirement for outdoor play

A licensee must ensure that the place has an area of outdoor space suitable for children's play of at least 9.3 m² multiplied by the number equal to the maximum number of children who may attend a care session specified in the licence.

Penalty: a fine of \$3 000.

66. Storage

- (1) A licensee must ensure that the place has shelves or other facilities for indoor and outdoor storage of equipment and consumable items for the use of the rural family care service and for each child's personal clothing and possessions.

Penalty: a fine of \$2 000.

- (2) A licensee must ensure that shelves or other facilities provided under subregulation (1) are so positioned as to enable a child who has reached 3 years of age to have ready access to their personal clothing and possessions.

Penalty: a fine of \$2 000.

67. Swimming pools

- (1) A licensee must ensure that no enrolled child has access to or uses a swimming pool at the place.

Penalty: a fine of \$4 000.

- (2) Except as provided in subregulation (3), a licensee must ensure that a swimming pool at the place is separated from all other parts of the place, including outdoor playing space, by an enclosure that complies with the requirements of the *Building Regulations 1989* Part 10.

Penalty: a fine of \$4 000.

- (3) If an enclosure surrounding a swimming pool consists in part of a door or window permitting access to the enclosed area, the licensee must ensure that the door or window —

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- (a) is locked; or
- (b) is otherwise secured,

in an approved manner when enrolled children are present at the place.

Penalty: a fine of \$4 000.

- (4) The CEO may, by written notice, require a licensee to provide a written statement indicating whether or not the place complies with the requirements of the *Building Regulations 1989* Part 10.
- (5) A licensee must comply with a requirement under subregulation (4).

Penalty: a fine of \$4 000.

68. Telephone

A licensee must ensure that —

- (a) a telephone service is connected to the place; or
- (b) a mobile telephone is available for use at the place.

Penalty: a fine of \$2 000.

69. Windows

- (1) A licensee must ensure that any glazed area at the place that is —
 - (a) accessible to enrolled children; and
 - (b) less than 1 000 mm above the floor,is —
 - (c) fitted with safety glass or glass treated with a product that prevents the glass from shattering or breaking; or
 - (d) effectively guarded by rails or barriers to prevent a child striking or falling against the glass.

Penalty: a fine of \$3 000.

- (2) If an area of the place is glazed in accordance with a requirement of subregulation (1)(c), a licensee must keep written evidence at the place that the glazed area complies with that requirement.
Penalty: a fine of \$3 000.
- (3) A licensee must ensure that windows at the place, when opened, do not create a hazard to children.
Penalty: a fine of \$3 000.

Part 7 — Administration of rural family care service

Division 1 — Provisions relating to parents

70. Information for parents

(1) A licensee must ensure that the following information is made available in writing to parents —

- (a) a statement of the service philosophy;
- (b) an outline of the service programme;
- (c) times and days of opening;
- (d) fees;
- (e) the service practice and policy regarding excursions;
- (f) the service practice and policy regarding delivery and collection of enrolled children;
- (g) the service procedures for managing the behaviour of enrolled children;
- (h) the service practice and policy regarding food, nutrition and the dietary needs of individual enrolled children;
- (i) the service practice and policy regarding sun protection for enrolled children;
- (j) the service practice and policy regarding illness and infections, including any practice or policy relating to the exclusion of enrolled children suffering from a communicable disease;
- (ka) [the service practice and policy regarding the treatment of children experiencing an anaphylactic reaction;](#)
- (k) the service practice and policy regarding the appointment of a person to act in place of the licensee or the supervising officer;
- (l) evacuation and emergency procedures;
- (m) procedures for dealing with concerns of parents;

- (n) the periods of time for which particular records are required to be retained under Division 2;
- (o) the name, address and telephone number of the Child Care Licensing and Standards Unit of the Department.

Penalty: a fine of \$2 000.

- (2) A licensee must ensure that the information referred to in subregulation (1)(m) and (o) is displayed in a prominent position at or near the main entrance to the place.
Penalty: a fine of \$2 000.
- (3) A licensee must ensure that a current copy of the Act and these regulations are available to parents upon request.
Penalty: a fine of \$2 000.

[\[Regulation 70 amended in Gazette 6 Jan 2012 p. 46.\]](#)

71. Visits by parents

A licensee must permit a parent who is responsible at the time for the attendance of an enrolled child at the rural family care service to visit the child at the place at any reasonable time.

Penalty: a fine of \$2 000.

72. Procedure for dealing with parents' concerns

A licensee must develop and set down in writing appropriate procedures to be followed by staff members when dealing with concerns of parents.

Penalty: a fine of \$2 000.

Division 2 — Child care records

73. Term used: child care record

In this Division —

child care record means an enrolment form or a record kept under this Division.

74. Enrolment form

- (1) A licensee must ensure that an enrolment form is kept for each child who attends the rural family care service.

Penalty: a fine of \$3 000.

- (2) The enrolment form must, as far as is practicable, include the following —

- (a) the full name, date of birth and address of the child;
- (b) the full name of each parent;
- (c) the residential address and telephone number of each parent;
- (d) the address and telephone number of each parent's place of employment;
- (e) the signature of a parent;
- (f) the full name and telephone number of a person authorised by a parent to collect the child from the place;
- (g) the full name, address and telephone number of a person, other than a parent, who may be contacted in an emergency;
- (h) the name, address and telephone number of the child's medical practitioner or hospital;
- (i) a parent's written authorisation for medical attention to be sought for the child if required in an emergency;
- (j) any written authorisation referred to in regulation 47;
- (k) details of any court order relating to —
 - (i) the long-term care, welfare and development of the child; or
 - (ii) the person or persons with whom the child is to live; or
 - (iii) contact between the child and another person;
- (l) ~~relevant~~ details of [any](#) —

-
- ~~(i)~~ (i) specific healthcare needs of the ~~child's medical history~~ child, including ~~current immunisation status~~ any medical condition; and ~~any~~
 - ~~(ii)~~ (ii) allergies ~~suffered by~~, including whether the child ~~has been diagnosed as at risk of anaphylaxis~~;
 - ~~(m)~~ (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)~~ (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)~~ (o) the immunisation status of the child;
 - ~~(p)~~ (p) any other relevant information relating to the child.

(3) A licensee must ensure that the enrolment form is updated annually.

Penalty: a fine of \$3 000.

(4) A licensee must not allow a child to attend the rural family care service unless the supervising officer has sighted —

- (a) the child's birth certificate or extract of birth certificate; or
- (b) another document, relating to the child, that is of a kind approved for the purposes of this subregulation.

Penalty: a fine of \$3 000.

[Regulation 74 amended in Gazette 6 Jan 2012 p. 46-7.]

75. Record of medication

(1) A licensee must ensure that a record is kept, in accordance with the requirements of subregulation (2), of any medication administered to an enrolled child during a care session.

Penalty: a fine of \$3 000.

- (2) The record must include the following —
- (a) the name of the medication;
 - (b) the date and time of the administration of the medication;
 - (c) the quantity of medication administered;
 - (d) the name of the person who administered the medication;
 - (e) except in an emergency, a parent's written authorisation for the administration of the medication and any instructions as to the administration of the medication.

76. Record of illness, injury or accident

- (1) A licensee must ensure that a record is kept of —
- (a) the death of an enrolled child during a care session, including details of the circumstances in which the child died; and
 - (b) any illness or injury suffered by, or accident involving, an enrolled child during a care session, including details of the nature and circumstances of the illness, injury or accident; and
 - (c) any treatment given to an enrolled child who suffers illness or injury during a care session.

Penalty: a fine of \$3 000.

- (2) A licensee must ensure that —
- (a) a record under subregulation (1)(a) is retained for a period of 6 years after the day on which the record was made; and
 - (b) a record under subregulation (1)(b) or (c) concerning a child is retained until the child reaches 24 years of age.

Penalty: a fine of \$3 000.

77. 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.

78. Record of excursions

- (1) A licensee must ensure that a record of each excursion is kept in accordance with the requirements of subregulations (2) and (3).
- (2) The record must include the following —
 - (a) the name of each enrolled child who participated in the excursion;
 - (b) for each enrolled child who participated in the excursion, the authorisation given by a parent of the child under regulation 22(1)(b)(i);
 - (c) the destination;
 - (d) the times of departure from and return to the place;
 - (e) a copy of the excursion plan required under regulation 22(1)(a).

Penalty: a fine of \$2 000.

- (3) The record must be retained for a period of 3 months after the day of the excursion.

79. Other records

- (1) A licensee must ensure that —
- (a) a record is kept of each rehearsal of evacuation and emergency procedures conducted in accordance with regulation 32(2); and
 - (b) the record is retained for a period of 3 years after the day on which the record was made.

Penalty: a fine of \$2 000.

- (2) A licensee must ensure that a record is kept of the content of the programme referred to in regulation 48.

Penalty: a fine of \$2 000.

80. Storing child care records

- (1) A licensee must ensure that each child care record relating to an enrolled child is kept in an up-to-date form and in a safe and secure area at the place.

Penalty: a fine of \$2 000.

- (2) A licensee must ensure that each child care record relating to a former enrolled child is kept in a safe and secure location.

Penalty: a fine of \$2 000.

81. Confidentiality of child care records

A licensee must ensure that information recorded in a child care record is not directly or indirectly disclosed or communicated to another person except —

- (a) as required or permitted under the Act or any other written law; or

- (b) with the written authorisation of the person or, in the case of a child, a parent of the child, to whom the information relates.

Penalty: a fine of \$5 000.

82. Falsification of child care records

A person must not falsify a child care record.

Penalty: a fine of \$5 000.

Division 3 — Other matters

83. Children who are not enrolled children

A licensee must ensure that a child who is not an enrolled child is not present at the place during a care session, or present on an excursion with enrolled children during a care session, unless the child —

- (a) is present on a temporary basis; and
(b) is adequately supervised by a person who is not a staff member.

Penalty: a fine of \$2 000.

84. Enrolled children leaving ~~the~~ 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 ~~the child is in the care of~~ —

- (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 ~~to take charge of~~ 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.

[Regulation 84 inserted in Gazette 6 Jan 2012 p. 47.]

85. Continued operation of service in certain circumstances

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

- (a) for a period, not exceeding 3 months, specified in the authorisation; and
- (b) on the conditions, if any, specified in the authorisation.

- (2) The CEO may cancel an authorisation under subregulation (1) if the person who holds the authorisation fails to comply with any condition to which it is subject.

- (3) A person who holds an authorisation under subregulation (1) for a rural family care service is to be taken to be the licensee for that service for the purposes of the Act.

- (4) A person who holds an authorisation under subregulation (1) must display it in a prominent position at or near the main entrance to the place to which it relates.

Penalty: a fine of \$2 000.

- (5) A person must not alter or deface an authorisation under subregulation (1).

Penalty: a fine of \$2 000.

86. Notification of change of circumstances

- (1) A licensee must immediately notify the CEO, in accordance with subregulation (2), if any of the following occurs —

- (a) a material change in any information included in, or accompanying, the licence application ~~for the licence~~ or any renewal application ~~for renewal of the licence~~, as the case requires;
- (b) an event that affects, or could reasonably be expected to affect, the ability of the licensee to continue to occupy the place specified in the licence;
- (c) an event that affects, or could reasonably be expected to affect, the suitability of the place specified in the licence for the provision of the rural family care service;
- (d) the licensee ceases to occupy the place specified in the licence;
- (e) in the case of an individual licensee —
 - (i) the licensee becomes an insolvent under administration as defined in the *Corporations Act 2001* (Commonwealth) section 9;
 - (ii) the licensee is or will for any reason be unable for more than 30 consecutive working days to supervise and control on a day-to-day basis the provision of the rural family care service;
- (f) in the case of a licensee that is a body corporate other than a public authority —
 - (i) the licensee becomes an externally-administered body corporate as defined in the *Corporations Act 2001* (Commonwealth) section 9;
 - (ii) the supervising officer dies, is dismissed, retires, resigns or becomes incapable of supervising and controlling on a day-to-day basis the provision of the rural family care service;
 - (iii) the supervising officer is or will for any reason, other than a reason mentioned in subparagraph (ii), be unable for more than 30 consecutive working days to supervise and

control on a day-to-day basis the provision of the rural family care service;

- (iv) a change of managerial officer;
- (g) in the case of a licensee that is a public authority —
 - (i) the supervising officer dies, is dismissed, retires, resigns or becomes incapable of supervising and controlling on a day-to-day basis the provision of the rural family care service;
 - (ii) the supervising officer is or will for any reason, other than a reason mentioned in subparagraph (i), be unable for more than 30 consecutive working days to supervise and control on a day-to-day basis the provision of the rural family care service.

Penalty: a fine of \$2 000.

- (2) A notification under subregulation (1) must contain particulars of the change of circumstances, including, in the case of a change of managerial officer, the name and address of any new managerial officer.

[*\[Regulation 86 amended in Gazette 6 Jan 2012 p. 47.\]*](#)

87. Notification of new managerial officer

A new managerial officer for a licensee must, within 30 days after becoming managerial officer —

- (a) complete the approved form and give it to the CEO; and
- (b) give the CEO a criminal record check issued not more than 2 years before becoming managerial officer.

Penalty: a fine of \$2 000.

88. Insurance

- (1) A licensee must hold a current policy of insurance (the *policy*) that complies with subregulation (2) against the public liability

of the licensee in respect of the provision of the rural family care service.

Penalty: a fine of \$3 000.

- (2) The insured amount under the policy must be adequate, in the opinion of the CEO, to cover any potential liability of the licensee in relation to the operation of the rural family care service.

- (3) A licensee must keep at the place evidence that the policy is current.

Penalty: a fine of \$3 000.

89. Display and alteration of licence document

- (1) A licensee must display the current licence document in a prominent position at or near the main entrance to the place.

Penalty: a fine of \$2 000.

- (2) A person must not alter or deface a licence document.

Penalty: a fine of \$2 000.

90. Compliance with procedures

A licensee must ensure that each staff member is made aware of the procedures referred to in regulations 32, 46, 51 and 72 and follows them as far as practicable.

Penalty: a fine of \$3 000.

Part 8 — Miscellaneous

91. Condition as to hours of operation (s. 19(2))

For the purposes of section 19(2), each licence, unless it specifies otherwise, is taken to be subject to the condition that the rural family care service to which it relates cannot be provided before 5 a.m. or after 7 p.m. on any day.

92. Content of licence document (s. 33)

For the purposes of section 33 the following details are prescribed in respect of a licence document for a rural family care service —

- (a) the name of the licensee;
- (b) the name of the service;
- (c) the location of the place at which the service is authorised to be provided;
- (d) the period for which the licence has effect;
- (e) the condition referred to in section 18;
- (f) the condition referred to in regulation 91;
- (g) any other condition to which the licence is subject under section 19(1).

93. Exemptions

- (1) The CEO may, in special circumstances in a particular case, exempt a licensee from a provision of these regulations for the period, and subject to the conditions, if any, specified in the exemption.
- (2) An exemption must —
 - (a) be in writing; and
 - (b) identify the provision of the regulations to which the exemption relates; and
 - (c) specify the period for which it is to be in force.

- (3) An exemption may be expressed to be in force —
 - (a) for as long as the special circumstances set out in the exemption continue; or
 - (b) for as long as a condition specified in the exemption is complied with.
- (4) The CEO may renew or revoke an exemption.
- (5) An exemption stops being in force at the end of the period specified in it under subregulation (2)(c) unless it is sooner revoked.
- (6) During the period an exemption is in force, the licensee must ensure that the exemption is displayed in a prominent position at or near the main entrance to the place.

Penalty: a fine of \$2 000.

Schedule 1 — Locations for rural family care services

[r. 4]

| | | | |
|----------------------------|---------------------------|-------------|----------------------|
| Agnew | Allanson | Augusta | Bakers Hill |
| Balgo (Wirrimanu) | Balingup | Balladonia | Ballidu |
| Bayulu | Beacon | Beagle Bay | Bencubbin |
| Beverley | Bidyadanga (La Grange) | Bindoon | Binningup |
| Binnu | Blackstone | Boddington | Bolgart |
| Borden | Boyanup | Boyup Brook | Bremer Bay |
| Bridgetown | Brunswick Junction | Bullfinch | Burekup |
| Burracoppin | Burringurrah | Byford | Calingiri |
| Capel | Carnamah | Carnarvon | Cascade |
| Cervantes | Clackline | Cocklebidy | Collie |
| Condinup | Cookernup | Coolgardie | Coonana |
| Coorow | Coral Bay | Corrigin | Cosmo Newberry |
| Cotton Creek (Parngurr) | Cowaramup | Cranbrook | Cuballing |
| Cue | Cunderdin | Dalwallinu | Dampier |
| Dandaragan | Dardanup | Darkan | Denham |
| Denmark | Derby | Dongara | Donnybrook |
| Dowerin | Dumbleyung | Dunsborough | Dwellingup |
| Eight Mile | Eneabba | Esperance | Eucla |
| Exmouth | Fitzroy Crossing | Frankland | Gascoyne Junction |
| Gibson | Gingin | Gnarabup | Gnowangerup |
| Goomalling | Grass Patch | Green Head | Greenbushes |

Child Care Services (Rural Family Care) Regulations 2010

Locations for rural family care services

Schedule 1

| | | | |
|-------------------------------|-----------------------------|----------------|----------------|
| Guilderton | Halls Creek | Harvey | Hopetoun |
| Hyden | Jamieson | Jerdacuttup | Jerramungup |
| Jigalong | Joy Springs (Eight Mile) | Jurien | Kalbarri |
| Karlgarin | Kalumburu | Kambalda West | Karalundi |
| Karratha | Karridale | Katanning | Kellerberrin |
| Kendenup | Kirup | Kiwirrkurra | Kojonup |
| Kondinin | Koorda | Kulin | Kununurra |
| Lake Grace | Lake King | Lancelin | Laverton |
| Learmonth | Leeman | Leinster | Leonora |
| Looma | Manjimup | Marble Bar | Margaret River |
| Marvel Loch | Meckering | Meekatharra | Menzies |
| Merredin | Mindibungu | Mingenew | Monkey Mia |
| Moora | Moorine Rock | Morawa | Mount Barker |
| Mount Barnett (Kupungarri) | Mount Magnet | Mount Margaret | Mount Marshall |
| Mugarinya | Mukinbudin | Mulan | Muludja |
| Mullewa | Munglinup | Nannup | Narembeen |
| Narrikup | Narrogin | Newdegate | Newman |
| Ngalingkadji | Ngangganawilli | Ngumpan | Noonkanbah |
| Nornalup | Norseman | North Dandalup | North Pinjarra |
| Northam | Northampton | Northcliffe | Nullagine |
| Nungarin | Nyabing | One Arm Point | Ongerup |
| Onslow | Oombulgurri | Pandanus Park | Pannawonica |
| Paraburdoo | Pemberton | Pingelly | Pingrup |
| Pinjarra | Point Samson | Ravensthorpe | Roebourne |
| Salmon Gums | Sandstone | Strelley | Southern Cross |
| Tambellup | Tammin | Tenterden | Three Springs |

Child Care Services (Rural Family Care) Regulations 2010

Schedule 1 Locations for rural family care services

| | | | |
|--------------|--------------|---------------|--------------|
| Tjirrkarli | Tjukurla | Tjuntjuntjrra | Tom Price |
| Toodyay | Trayning | Wagin | Walkaway |
| Walpole | Wandering | Wangkatjungka | Warakurna |
| Warburton | Warmun | Warooka | Watheroo |
| Westonia | Wickepin | Wickham | Williams |
| Wiluna | Windy Harbor | Witchcliffe | Wongan Hills |
| Woodanilling | Wundowie | Wyalkatchem | Wyndham |
| Yalgoo | Yallingup | Yarloop | Yealering |
| Yiyili | York | Yunggora | |

Notes

- 1 This is a compilation of the *Child Care Services (Rural Family Care) Regulations 2010*. ~~The~~ and includes the amendments made by the other written laws referred to in the following table ~~contains information about those regulations.~~

Compilation table

| Citation | Gazettal | Commencement |
|---|---|---|
| <i>Child Care Services (Rural Family Care) Regulations 2010</i> | 21 May 2010 p. 2195-254 | r. 1 and 2: 21 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 22 May 2010 (see r. 2(b)) |
| <i>Child Care Services (Rural Family Care) Amendment Regulations 2011</i> | 6 Jan 2012 p. 42-7 | r. 1 and 2: 6 Jan 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Jan 2012 (see r. 2(b) and Gazette 6 Jan 2012 p. 3) |