

WESTERN AUSTRALIA

COMMUNITY SERVICES ACT 1972

**COMMUNITY
SERVICES
(CHILD CARE)
REGULATIONS
1988**

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WESTERN AUSTRALIA

COMMUNITY SERVICES (CHILD
CARE) REGULATIONS 1988

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WESTERN AUSTRALIA

COMMUNITY SERVICES ACT 1972

COMMUNITY SERVICES (CHILD CARE) REGULATIONS 1988

Part 1 — Preliminary

Citation

1. These regulations may be cited as the *Community Services (Child Care) Regulations 1988*¹.

Commencement

2. These regulations shall come into operation on the coming into operation of the *Acts Amendment (Child Care Services) Act 1987*¹.

Interpretation

3. In these regulations, unless the contrary intention appears —

“**Board**” means the Child Care Services Board established under section 22;

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“child care premises” means premises specified in a licence or permit as premises in which a child care service may be provided;

“family day care” means a child care service provided to a child in a private dwelling in a family or domestic environment;

“licence” means a licence under section 17B;

“licensee” means the holder of a licence;

“licensing officer” means —

(a) a person appointed as a licensing officer under regulation 21 (1); or

(b) a person referred to in regulation 21 (3) or (4);

“occupier” means the person by whom premises are actually occupied or, if there is no such person, the person entitled to possession of the premises;

“parent” includes guardian, custodian and person having lawful access (whether by common law, written law or court order) to a child;

“permit” means a permit under section 17B;

“premises” includes land, a building or part of a building, place, caravan, trailer, or carriage.

[*Regulation 3 amended in Gazette 12 July 1991 p.3428.*]

Saving

4. Except as specifically provided, nothing in these regulations shall be construed as limiting the operation of by-laws made under the *Health Act 1911* or the *Local Government Act 1960*² or as affecting any lawful requirement of the Chief Officer of Fire Brigades appointed under the *Fire Brigades Act 1942*.

Part 2 — Licences and Permits

Who may apply

5. A natural person who has attained the age of 21 or a body corporate is eligible to apply for and obtain a licence or permit.

Application

6. (1) An application for a licence or permit shall be made to the Director-General.

(2) The application shall be made in a form approved by the Director-General and shall contain —

- (a) the full name and all known former names of the applicant;
- (b) the postal address and telephone number of the applicant;
- (c) the residential address and duration of residence of the applicant;
- (d) the date and place of birth of the applicant;
- (e) details of experience and training relevant to the application;
- (f) details relating to the health of the applicant;
- (g) details of any child care service previously operated by the applicant;
- (h) the address of the premises where the child care service is to operate;
- (i) authority to obtain details of any record of criminal convictions of the applicant;

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- (j) details of any criminal conviction of the applicant relating to the abuse, neglect or assault, including sexual assault, of a child, or any offences against morality under Chapter 22 of *The Criminal Code*; and
- (k) such other information as the Director-General may require.

(3) In the case of an application by a body corporate, department of the public service or public authority, the information mentioned in subregulation (2) shall be provided by the officer of that body, department or authority who is likely to be directly responsible for the effective supervision of the child care service and the references mentioned in subregulation (5) (a) shall be with respect to that officer.

(4) An applicant shall, after lodging an application for a licence, cause to be published twice, at an interval of not less than 7 nor more than 14 days, in an edition of the *West Australian* newspaper circulating in the district in which the child care service is proposed to be located, a notice of application for a licence and the first of such publication shall be made within 28 days of the date of lodgement of the application.

(4a) The Director-General shall not grant a licence until he or she has received proof that the applicant for the licence has complied with subregulation (4).

(5) An application for a licence or permit shall be accompanied by —

- (a) subject to subregulation (6), the name, address and telephone number of —
 - (i) a referee who has had experience in child care;
 - (ii) a referee who is a prior employer or who has worked with the applicant in a paid or unpaid capacity; and
 - (iii) a referee of good standing or status in the community who can attest to the good character of the applicant,

and a statement indicating the circumstances and length of time for which each referee has known the applicant;

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- (b) in the case of an application for a licence or permit for family day care, particulars of any group of family day care services organized and supported by a central coordinating body to which the applicant proposes to be identified or by which the applicant proposes to be supported;
- (c) where the application relates to a child care service to be located at existing premises —
 - (i) a site plan, drawn to a scale of not less than 1:500 showing the location of every building on the land comprising the premises; and
 - (ii) a plan drawn to a scale of not less than 1:100 showing the use to which each part of any building or buildings will be put;

and

- (d) where the application relates to a child care service to be located at premises which are to be modified or constructed —
 - (i) a copy of all working drawings and specifications;
 - (ii) a plan drawn to a scale of not less than 1:100 showing the use to which each part of any building or buildings will be put; and
 - (iii) evidence of the approval of the relevant local authority of the proposed modification or construction.

(5a) Where an application for a licence or permit relates to a child care service to be located at premises which are to be modified or constructed, the Director-General may require the applicant to provide a site plan, drawn to a scale of not less than 1:500, showing the location of every building or proposed building on the land comprising the premises.

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(6) A referee shall not be related, married or related by marriage to the applicant, or living with the applicant as the applicant's spouse on a genuine domestic basis.

[*Regulation 6 amended in Gazette 12 July 1991 p.3428;*
15 March 1996 p.982.]

Objections

7. (1) Any person may object in writing to the grant or renewal of a licence or the grant of a permit on the grounds that the applicant or any other person who is or will be responsible for the effective supervision of the child care service is not a fit and proper person to hold a licence or permit or is incapable of providing the child care service in accordance with the regulations or, in the case of a permit, with the permit.

(2) In making a decision in relation to an application for a licence or permit or for renewal of a licence the Director-General shall give consideration to any objections made in accordance with subregulation (1).

Approval to provide relief family day care

7A. (1) An application for approval to provide relief family day care in accordance with the *Community Services (Child Care Services) Exemption Order 1991* shall —

- (a) be made in a form approved by the Director-General;
- (b) contain authority to obtain details of any record of criminal convictions of the applicant; and
- (c) be accompanied by the name, address and telephone number of 3 referees who are not related, married or related by marriage to the applicant, or living with the applicant as the applicant's spouse on a genuine domestic basis.

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(2) The Director-General may approve, or refuse to approve, an application under subregulation (1) and may revoke an approval at any time.

(3) An approval to provide relief family day care may be made subject to such conditions as the Director-General thinks fit.

*[Regulation 7A inserted in Gazette 12 July 1991 p.3428;
amended in Gazette 15 March 1996 p.982.]*

Approval of plans

8. The Director-General may, at the request of an applicant, indicate that plans submitted with an application for a proposed child care service comply with the regulations and note his approval of the plans but such approval does not operate as a licence or permit.

Proceedings before Director-General

9. (1) In determining any application or matter under the Act the Director-General —

- (a) shall act with as little formality as is practicable;
- (b) is not bound by the rules of evidence but may inform himself on any question that arises for decision in such manner as the Director-General thinks fit;
- (c) may conduct or arrange such hearings, meetings, consultations, and negotiations as the Director-General thinks fit, at such times and places as the Director-General thinks fit; and
- (d) may receive and consider such submissions as the Director-General thinks fit.

(2) Subject to these regulations the Director-General may determine his own procedure.

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Assessment of applicant

10. A person is a fit and proper person for the purposes of section 17B (3) (a) if the Director-General is satisfied that —

- (a) that person is capable of providing an adequate standard of child care;
- (b) that person is of good character and is suitable to be entrusted with the care of children;
- (c) that person understands the needs of children;
- (d) that person has not at any time been convicted of any offence relating to the abuse, neglect or assault, including sexual assault, of a child or an offence under Chapter 22 of *The Criminal Code*; and
- (e) where that person intends to work in the child care service, the person complies with the requirements of the regulations applicable to staffing.

Issue of permit subject to conditions

11. Before issuing a permit subject to conditions the Director-General shall, as far as is practicable, seek the approval of the applicant to those conditions.

Licence or permit

12. (1) A licence or a permit authorizes the person to whom it has been issued, subject to the Act and any conditions specified in the permit, to provide a child care service for the number of children specified in the licence or permit and to use such premises as are specified in the licence or permit for the provision of a child care service so long as the child care service and those premises are under the effective supervision of the licensee or permit holder.

(2) A licence or a permit is not transferable and shall not vest by operation of law in any other person.

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(3) A permit may not be renewed but nothing in these regulations shall prevent a person who holds, or has held, a permit from applying for a further permit.

[Regulation 12 amended in Gazette 12 July 1991 p.3434.]

Renewal of licence

13. (1) A licence may be renewed upon application being made to the Director-General on a form approved by the Director-General.

(2) A licence which is suspended may be renewed without affecting the suspension, which suspension will continue until it is removed or the licence is revoked or cancelled or expires.

[(3) repealed] :

(4) Where an application is lodged under subregulation (1) the Director-General shall renew the licence unless the Director-General —

- (a) is no longer satisfied as to the matters mentioned in section 17B (3); or
- (b) is of the opinion that the licensee has been or is guilty of any default or misconduct which has impaired or would impair the provision of the child care service to which the licence relates.

[Regulation 13 amended in Gazette 12 July 1991 p.3428.]

Refusal to renew cancellation or suspension

14. (1) Subject to subregulation (5), before refusing to renew a licence or cancelling or suspending a licence or permit the Director-General shall give 21 days written notice to the licensee or permit holder specifying the grounds upon which he proposes to refuse to renew the licence or to cancel or suspend the licence or permit.

(2) A person notified under subregulation (1) may, within 21 days of receipt of the notice, apply to the Director-General for a review of the proposed decision.

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(3) On receipt of an application under subregulation (2) the Director-General shall give the applicant an opportunity of making submissions on the matter and, having regard to the matters specified in regulation 13 (4) or section 17B (6), as the case requires, either confirm or vary the refusal, cancellation or suspension.

(4) Subject to subregulation (5), the Director-General shall not refuse to renew a licence or cancel or suspend a licence or permit unless the period of 21 days notice referred to in subregulation (1) has expired and no application has been lodged under subregulation (2).

(5) Notwithstanding subregulations (1) and (4), the Director-General may suspend a licence or permit at any time without notice if he is satisfied that the continuation of the licence or permit would expose a child to the imminent risk of serious harm.

(6) Where a licence or permit is suspended under subregulation (5) the Director-General shall provide written notice of the grounds for suspension to the holder of that licence or permit as soon as practicable and subregulations (2) and (3) shall then apply with respect to the suspension.

*[Regulation 14 amended in Gazette 12 July 1991 pp.3428
and 3434.]*

Use of premises upon cancellation or suspension

15. Where the Director-General has suspended or cancelled a licence or permit, the Director-General may in writing authorize another person for such period as the Director-General thinks fit to use any premises referred to in the licence or permit for the provision of the service to which the licence or permit relates, and a person so authorized shall for the purposes of the Act be deemed to be the licensee or permit holder according to the tenor of such authorization.

[Regulation 15 amended in Gazette 12 July 1991 p.3434.]

Officers of corporate licences etc., to be approved

16. (1) Subject to subregulation (3), no person shall, after the grant of a licence or permit to a body corporate, department of the public service or a public authority, be an officer of that body, department or authority who is directly responsible for the effective supervision of the child care service to which the licence or permit relates unless that person has first been approved by the Director-General as being a fit and proper person to be so responsible, and that approval continues in force.

Penalty: \$1 500 and a daily penalty of \$100.

(2) The Director-General may revoke an approval given under subregulation (1) if the Director-General ceases to be satisfied that the person is a fit and proper person to be responsible for the effective supervision and control of a child care service.

(3) Subregulation (1) does not apply to an officer until the expiration of 28 days after the officer becomes directly involved in the provision of the child care service.

Duty to notify of change of circumstances

17. Where —

- (a) the licensee ceases to be the occupier of any premises to which a licence relates;
- (b) in the case of a body corporate, department of the public service or public authority, an officer approved under regulation 16 ceases to be responsible for the effective supervision of the child care service;
- (c) the licensee leaves or proposes to leave the State for more than 14 days;
- (d) the licensee proposes to modify or construct any premises to which a licence relates;

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- (e) the licensee or permit holder is aware of any change to any fact or circumstance relating to or affecting the provision of the child care service the subject of the licence or permit,

the holder of the relevant licence or permit shall forthwith advise the Director-General in writing.

Penalty: \$1 000 and a daily penalty of \$50.

[Regulation 17 amended in Gazette 12 July 1991 pp.3429 and 3434.]

Surrender of licences, etc.

18. (1) The holder of a licence or permit may at any time by notice in writing to the Director-General surrender the licence or permit and upon surrender the licence or permit it shall cease to have effect.

(2) Where the holder of a licence or permit dies or becomes bankrupt or, in the opinion of the Director-General, incapable of providing the child care service to which the licence or permit relates the holder of the licence or permit shall be deemed to have surrendered the licence or permit.

(3) Where subregulation (1) or (2) applies the Director-General may in writing authorize another person, for a period not exceeding 3 months, to use any premises referred to in the licence or permit for the provision of the child care service to which the licence or permit relates and a person so authorized shall for the purpose of the Act be deemed to be the licensee or permit holder according to the tenor of such authorization.

[Regulation 18 amended in Gazette 12 July 1991 pp.3429 and 3434.]

Reasons for decision

19. (1) A person —

- (a) who has been refused the grant or renewal of a licence;

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- (b) who has been refused the grant of a permit; or
- (c) whose permit is subject to conditions,

may request the Director-General to give reasons for refusing the grant or renewal or for imposing the conditions, as the case may be.

(2) The Director-General shall, if requested to give reasons under subregulation (1), provide such reasons in writing within 21 days of receipt of such request.

False statements

20. A person shall not, in connection with an application under these regulations, make a statement or give any information which that person knows is false in a material particular.

Penalty: \$1 000.

Licensing officers

21. (1) The Director-General may appoint licensing officers for the purposes of enforcing the Act with respect to child care services.

(2) The Director-General shall not appoint an employee of the Department whose function is the delivery of advice or support services to the providers of children's services and, in particular, child care services as a licensing officer.

(3) Each member of the Board is appointed as a licensing officer by virtue of appointment as a member of the Board.

(4) The Director-General may appoint a deputy or acting member of the Board to act as a licensing officer during such times as are specified by the Director-General in the notice of appointment.

(5) A licensing officer who is not a person referred to in subregulation (3) or (4) shall not exercise any of the functions of the Board with respect to licensing or suspension, refusal to renew or cancellation of licences or permits.

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(6) Every licensing officer shall be furnished with a certificate of appointment which in any proceedings shall be *prima facie* evidence of appointment, and, on entering any premises in the course of duty, the licensing officer shall produce the certificate to the person in charge of the premises.

Display of licence

22. (1) The holder of a licence or permit shall cause his or her licence or permit to be displayed in a prominent position at or near the main entrance to the premises in which the child care service to which it relates is operated.

(2) A person who alters or defaces, or attempts to alter or deface a licence or permit commits an offence.

Penalty: \$1 500 and a daily penalty of \$30.

[Regulation 22 amended in Gazette 12 July 1991 p.3429.]

Exemption from regulations

23. (1) The Director-General may in special circumstances in particular cases exempt in writing holders of licences and permits from compliance with specified regulations in Parts 3 and 4 for a specified period of time.

(2) The Director-General may renew or revoke an exemption under subregulation (1).

(3) An exemption under subregulation (1) may be given so as to operate only so long as specified circumstances apply or any specified condition is complied with, and if those circumstances cease to apply or any condition is not complied with the exemption ceases to operate.

(4) In this regulation “**specified**” means specified in the exemption.

Exercise of discretion by Director-General

24. In the exercise of his discretion under these regulations the Director-General shall have regard to —

- (a) the best interests of the children for whom the child care service is proposed to be provided and any special needs or interests of those children;
- (b) the goals and objectives which the applicant seeks to achieve by the provision of the child care service and the appropriateness of those goals and objectives for the children for whom, or the locality in which, the child care service is proposed;
- (c) the needs of the locality in which a child care service is proposed or the children for whom the child care service is proposed and the extent to which those needs are being met; and
- (d) the desirability of or need for short-term, special, innovative, experimental, culturally appropriate, culturally specific child care services.

Fees

25. The fees to be paid in respect of an application for, or issue of, a licence or permit are those fees that may from time to time be determined by the Minister and published in the *Gazette*.

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Part 3 — Staffing

Compliance with this Part

- 26.** (1) A licensee or permit holder shall ensure that —
- (a) the number of children enrolled in the child care service;
 - (b) the number of children present on child care premises;
 - (c) the number of staff present on child care premises; and
 - (d) the qualifications and other requirements of staff employed in the child care service,

of that licensee or permit holder are in accordance with this Part.

Penalty: \$1 500 and a daily penalty of \$100.

(2) Each licensee or permit holder shall comply with the requirements of this Part that apply to that person.

Penalty: \$1 500 and a daily penalty of \$100.

[Regulation 26 amended in Gazette 12 July 1991 p.3429.]

Pre-school children

27. (1) Subject to subregulation (1a) and regulation 29, the number of children of pre-school age at any time on child care premises shall not exceed the number of children specified in the licence or permit.

(1a) Notwithstanding subregulation (1), the number of children of pre-school age on child care premises licensed for family day care may exceed the number specified in the licence or permit if the children who are not the licensee's own children or children for whom the child care service is provided —

- (a) are present on an occasional or casual basis;

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- (b) are in the care of another person or other persons; and
- (c) where they are in the care of another licensee of a family day care service, are supervised by that licensee in accordance with the terms and conditions of the relevant licence or permit.

(2) A licence or permit for family day care shall not be issued for more than 5 children of pre-school age, including the children of the licensee or permit holder.

(2a) Where a licence or permit for family day care is issued for 5 children of pre-school age, at least one of those children is to be a child who attends a pre-primary programme at a pre-primary centre or pre-school centre within the meaning of the *Education Act 1928*.

(3) Notwithstanding subregulation (2), where on the coming into operation of these regulations a person holds a licence or permit under section 118A³ of the *Child Welfare Act 1947* to care for 5 children between the ages of 3 and 6 years in family day care that person may continue to care for 5 children in accordance with the licence or permit and the Act until the licence or permit is surrendered or cancelled.

(4) In subregulation (1a) “**licensed**” includes authorized under a permit and “**licensee**” shall be construed accordingly.

[Regulation 27 amended in Gazette 12 July 1991 p.3429;
15 March 1996 pp.982-3.]

Children of school age

28. (1) Children of school age may be present at child care premises, other than premises licensed for family day care, if —

- (a) the total number of children present at any time does not exceed the number of children for which the service is licensed or for which a permit has been issued; and
- (b) the staffing and other requirements of these regulations are met for the total number of children in the child care service at any time.

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(2) Children of school age shall not be present at child care premises licensed for family day care except where —

- (a) the total number of children under 12 years in the care of the licensee does not exceed 7, including the licensee's own children; or
- (b) if the total number of children under 12 years in the care of the licensee exceeds 7, including the licensee's own children, those children who are not the licensee's own children or children for whom the child care service is provided —
 - (i) are not being cared for in return for payment or reward;
 - (ii) are present on an occasional or casual basis;
 - (iii) are adequately supervised by the licensee; and
 - (iv) do not detrimentally affect the best interests of the children for whom the child care service is provided.

(3) In this regulation “**licensed**” includes authorized under a permit and “**licensee**” shall be construed accordingly.

[Regulation 28 amended in Gazette 12 July 1991 p.3429.]

More children than specified in licence or permit

29. (1) Subject to subregulation (2), up to 25% more children than the number specified in a licence or permit may be present on premises specified in that licence or permit for a period that does not, or periods that do not in total, exceed one hour in any day if —

- (a) staff/child ratios are maintained in accordance with these regulations; and
- (b) the public liability insurance of the licensee or permit holder in respect of the child care service is valid during any such period.

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(2) Subregulation (1) does not apply to premises specified in a licence or permit for family day care.

[Regulation 29 inserted in Gazette 15 March 1996 p.983.]

Minimum staff requirements

30. (1) Subject to regulations 28, 31, 32 and 34, the minimum number of staff members required to be present on child care premises, other than premises specified in a licence or permit for family day care and the minimum qualifications of those staff members, are as set out in the following Table.

TABLE

Age of Children	Ratio Staff/ Children	Child Numbers	Staff Requirements
0-up to 2 years	1:4	1-4	1A*/B*/C
		5-8	1A*/B*/C + 1D
		9-12	1A*/B*/C + 2D
2-up to 3 years	1:5	1-5	1D or 1 A/B/C
		6-10	1D+ 1 A/B/C
		11-15	2D+ 1 A/B/C
3-up to 6 years	1:10	1-10	1D or 1 A/B/C
		11-20	1D + 1 A/B/C
		21-30	2D + 1 A/B/C

A refers to the holder of a degree or diploma in early childhood care or early childhood education from a recognized Australian University or College of Advanced Education or overseas equivalent as determined by the Child Care Services Board;

A* refers to a holder of a qualification referred to in item A which includes a specialist course on the principles and practices of the care and education of children from birth to 2 years of age, in addition to a practicum of 100 hours (minimum) with this age group or overseas equivalent as determined by the Child Care Services Board;

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B refers to a holder of a 2 year certificate in child care studies or associate diploma in child care or overseas equivalent as determined by the Child Care Services Board;

B* refers to a holder of a qualification referred to in item B which includes a specialist course on the principles and practices of the care and education of children from birth to 2 years of age, in addition to a practicum of 100 hours (minimum) with this age group, or overseas equivalent as determined by the Child Care Services Board;

C refers to a registered Mothercraft Nurse or holder of a mothercraft nursing qualification, or overseas equivalent as determined by the Child Care Services Board;

D refers to a worker without any of the above qualifications.

(2) A person who —

- (a) on the coming into operation of these regulations is employed in a child care service in accordance with the *Child Welfare Service (Care Centres) Regulations 1968⁵* made under the *Child Welfare Act 1947*;
- (b) does not have any of the qualifications referred to in items A, B and C of the Table to subregulation (1); and
- (c) does not have appropriate qualifications to enable the licensee or permit holder employing the worker to comply with subregulation (1),

may continue to be employed at the child care centre in lieu of a staff member required under subregulation (1) as if that person had qualifications referred to in item A, B or C.

[*Regulation 30 amended in Gazette 12 July 1991
p.3430; 15 March 1996 pp.983-4.*]

Support staff

31. (1) Where a child care service provides meals prepared on the premises on a regular basis for 20 or more children the licensee or permit holder shall, in addition to the staff required under regulation 30, employ a person to prepare meals.

(2) Persons employed to maintain premises specified in a child care licence or permit or to prepare meals under subregulation (1) do not form part of the staff of a child care service for the purposes of regulation 30.

*[Regulation 31 amended in Gazette 12 July 1991
p.3434.]*

Co-ordinator

32. (1) Except in family day care, a licensee or permit holder shall act personally, or appoint a person to act as co-ordinator of the child care service.

(2) A co-ordinator shall ensure that a staff member who has contact with the children and has the appropriate qualifications referred to in item A, B or C of the Table to regulation 30 (1) is responsible for the development and implementation of a programme for the children in the care of the co-ordinator.

(3) A co-ordinator shall be a person who —

- (a) has attained the age of 21 years; and
- (b) holds any of the qualifications referred to in items A, B and C of the Table to regulation 30 (1) or, in the opinion of the Director-General, is otherwise suitably qualified or experienced in the fields of child development, administration and staff management.

(4) Where —

- (a) a child care service is licensed for 40 or more child care places;

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- (b) the co-ordinator of a child care service is responsible for the administration and co-ordination of more than one child care service; or
- (c) a child care service is licensed to operate for longer than 12 hours in any day,

the co-ordinator of that child care service does not form part of the staff of that child care service the purposes of regulation 30.

(5) In subregulation (4) “**licensed**” includes authorized under a permit.

*[Regulation 32 amended in Gazette 12 July 1991
pp.3430 and 3434; 15 March 1996 p.984.]*

Staff under 18 years

33. A licensee or permit holder shall employ at least one staff member over the age of 18 years for each staff member under the age of 18 years employed in the child care service of that licensee or permit holder.

*[Regulation 33 inserted in Gazette 12 July 1991
p.3430.]*

Additional staff

34. The Director-General may require a licensee or permit holder to employ staff members in addition to those specified in regulation 30 where the Board has demonstrated that the special needs of one or more children attending the child care service at a particular time require such additional staff.

*[Regulation 34 amended in Gazette 12 April 1991
p.3434.]*

Supervision

35. (1) Where there are not more than 4 children in attendance at a child care service the licensee or permit holder shall ensure that the children are supervised by at least one other person over the age of 18 years.

(2) Where a child care service is supervised by one person over the age of 18 years the licensee or permit holder shall ensure that there is at least one other person over the age of 18 years, whether on the premises or not, available to render assistance in an emergency.

(3) Except in family day care, where there are 5 or more children in attendance at a child care service, the licensee or permit holder shall ensure that the children are supervised by at least 2 staff members, one of whom shall be over the age of 18 years or shall have the qualifications described in item A, B or C of the Table to regulation 30 (1).

*[Regulation 35 amended in Gazette 12 April 1991
p.3434; 15 March 1996 p.984.]*

First aid

36. (1) Subject to subregulation (2), a licensee or permit holder shall ensure that a person possessing current first-aid qualifications approved by the Director-General is in attendance at the child care premises of the licensee or permit holder at all times children are attending a child care service on those premises.

(2) Notwithstanding subregulation (1), a family day care service may be supervised on an emergency basis, or on a relief basis in accordance with the *Community Services (Child Care Services) Exemption Order 1991*, by a person who does not possess current first-aid qualifications if the licensee or permit holder for that family day care service provides the emergency or relief care giver with a clear, written emergency procedure before supervision commences.

*[Regulation 36 inserted in Gazette 12 July 1991
pp.3430-1.]*

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Health certificate

37. (1) A licensee or permit holder shall ensure that a person who —

- (a) is employed in the child care service of that licensee or permit holder; and
- (b) has contact with children attending that service,

provides that licensee or permit holder with a medical certificate, including a tuberculosis clearance, in a form approved by the Director-General, within 14 days of commencing employment in the child care service.

(2) A licensee or permit holder, shall upon a written request by the Director-General, provide the Director-General with a medical certificate in a form approved by the Director-General within the time specified in the request.

*[Regulation 37 inserted in Gazette 12 July 1991
p.3431.]*

Outings

38. (1) A licensee or permit holder shall ensure that on outings from the child care premises of the licensee or permit holder —

- (a) the licensee, permit holder or a responsible staff member over the age of 18 years is in charge of the children; and
- (b) unless subregulation (1a) applies or the children are travelling in an A class motor vehicle as referred to in subregulation (2), the person referred to in paragraph (a) has the care of not more than 4 children.

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(1a) On outings from premises specified in a licence for family day care, the licensee shall ensure that —

- (a) the licensee has the care of not more than 7 children under the age of 12 years;
- (b) not more than 5 of the children are of pre-school age; and
- (c) where 5 of the children are of pre-school age, at least one of those children is a child who attends a pre-primary programme at a pre-primary centre or pre-school centre within the meaning of the *Education Act 1928*.

(2) Notwithstanding subregulation (1) (b) where children are travelling in an A class motor vehicle seating no more than 8 people and fitted with seat belts for each person, 7 children may travel under the supervision of the person referred to in subregulation (1) (a).

(3) Volunteers over the age of 18 years may be used to augment adult:child ratios on outings.

(4) A licensee or permit holder shall ensure that on outings from the child care premises of the licensee or permit holder —

- (a) where the children are not in a vehicle they are, depending on their age, appropriately restrained in a pram or stroller or by other suitable means; and
- (b) where the children are in an A class motor vehicle they are restrained by a seat belt or safety capsule.

*[Regulation 38 inserted in Gazette 12 July 1991
p.3431; amended in Gazette 15 March 1996 pp.984-5.]*

Swimming

39. (1) Where children in a child care service are taken on a swimming outing, the licensee or permit holder shall ensure that a ratio of 1 adult: 1 child under 3 years of age and 1 adult: 2 children over 3 years of age is maintained.

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(2) At least one of the adults in charge of children swimming shall have a current basic rescue certificate and a resuscitation certificate or its equivalent.

*[Regulation 39 amended in Gazette 12 July 1991
p.3431.]*

Part 4 — Buildings and Physical Environment

Compliance with requirements

40. A licensee or permit holder shall ensure that the child care premises specified in the licensee's licence or the permit holder's permit, as the case may be, comply with this Part and with the *Building Regulations 1989* made under the *Local Government Act 1960*² as if the child care premises were classified as a single dwelling house.

Penalty: \$1 500 and a daily penalty of \$100.

*[Regulation 40 inserted in Gazette 12 July 1991
p.3431.]*

Outdoor space requirement

41. (1) Subject to subregulation (2), there shall be a minimum of 9.3 square metres of outdoor playing space for each child present on child care premises.

(2) The Director-General may waive the outdoor space requirement specified in subregulation (1) if —

- (a) the outdoor space is augmented by access to at least an equivalent area of playing space within walking distance for a child;
- (b) the outdoor space is augmented by a larger indoor space which is suitable for equivalent physical activities or programmes; or
- (c) the child care service is used exclusively for occasional, casual or part time care.

Fencing

42. (1) Child care premises shall be enclosed by a fence, or an equivalent approved by the Director-General, of not less than 1 200 mm in height.

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(2) A gate in a fence on child care premises that offers access from the premises or to a hazard shall be equipped with an efficient self-locking mechanism or lock.

(3) Subject to subregulation (3a), a swimming pool on child care premises shall be separated from all other parts of the premises, including outdoor playing space, by an enclosure that satisfies the requirements of Part 10 of the *Building Regulations 1989*.

(3a) Where an enclosure surrounding a swimming pool consists in part of a door or window permitting access to the enclosed area, the door or window —

- (a) shall be locked; or
- (b) shall be otherwise secured,

in a manner approved by the Director-General, when children are present on the child care premises.

(4) Child care premises that are adjacent to or provide access to any creek, river, dam or similar body of water shall be separated from that body of water by a fence that conforms with the requirements of subregulations (1) and (2).

*[Regulation 42 amended in Gazette 12 July 1991
p.3431; 15 March 1996 p.985.]*

Indoor space requirements

43. (1) There shall be a minimum of 3.25 square metres of indoor playing space for each child, and an additional one square metre for each child aged from 0 to 2 years present on child care premises.

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

(2) Where on the coming into operation of these regulations premises are licensed under the *Child Welfare (Care Centres) Regulations 1968*² made under the *Child Welfare Act 1947* and

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do not comply with the requirements of subregulation (1) of this regulation, the premises shall for the purposes of these regulations be taken to comply with the requirements of subregulation (1) until the licence is surrendered or cancelled.

*[Regulation 43 amended in Gazette 15 March 1996
p.985.]*

Staff room

44. Except in family day care, child care premises shall —

- (a) include an area separate from areas used by children and suitable for the withdrawal or respite of staff of the child care service; or
- (b) have access to an area that is suitable for the withdrawal or respite of staff of the child care service.

*[Regulation 44 inserted in Gazette 12 July 1991
p.3432; amended in Gazette 15 March 1996 p.985.]*

Area for administration etc.

44A. Except in family day care, child care premises shall —

- (a) include an area separate from areas used by children or required under regulation 44; or
- (b) have access to an area separate from an area required under regulation 44,

that is suitable for administrative activities and private consultations with parents.

*[Regulation 44A inserted in Gazette 15 March 1996
p.986.]*

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Kitchen

45. (1) Child care premises shall include a kitchen with at least a sink, stove, refrigerator and supply of hot water.

(2) The kitchen floor shall be covered with a material which is hard, impervious and washable.

(3) The kitchen walls shall be hard, impervious and washable.

(4) Except in family day care and where meals are not prepared on the premises, an extraction fan or hood shall be installed over the stove.

(5) All openings shall be screened against flying insects.

(6) Cupboards, shelves and benches shall be securely fixed, with joints sealed.

(7) Tops and all exposed edges of benches shall be impervious and washable.

Laundry

46. (1) Except where —

(a) child care premises are used exclusively for occasional, casual or part time child care; or

(b) arrangements approved by the Director-General have been made for treating laundry away from the child care premises and for the hygienic storage of soiled laundry,

child care premises shall include a laundry area.

(2) A laundry shall include a washing machine, trough, hot water supply and sink or other facility suitable for dealing with soiled napkins.

(3) Where napkins are not laundered on the premises, a suitable sealed container for soiled napkins shall be provided.

*[Regulation 46 amended in Gazette 12 July 1991
p.3432.]*

Windows and Glazing

47. (1) Any glazed area less than 750 mm above floor level shall be safely glazed in accordance with Australian Standard 1288 or shall be effectively guarded by rails or barriers which will prevent a child striking or falling against that glass.

(2) Windows, when opened, shall not create a hazard to children.

Storage

48. (1) Child care premises shall include shelves or other facilities for indoor and outdoor storage of equipment and consumable items for the use of the child care service and for each child's personal clothing and possessions.

(2) Shelves or other facilities provided under subregulation (1) shall be so positioned as to enable children over the age of 3 years to have ready access to their personal clothing and possessions.

*[Regulation 48 amended in Gazette 15 March 1996
p.986.]*

Exits

49. (1) Except in family day care, children should be able to open interconnecting doors of rooms they are permitted to use; handles shall be positioned between 750 mm — 1 000 mm from the floor.

(2) Doors giving direct access to the street shall have handles positioned between 1 300 mm — 1 500 mm from the floor.

(3) There shall be at least 2 exits from each child care premises, as widely separated as practicable and readily accessible.

(4) Every room having accommodation for 20 children or less shall have at least one doorway not less than 800 mm wide giving direct access to the outdoor play space or to a thoroughfare or passage giving direct access to outdoor space and every room having accommodation for more than 20 children shall have at least 2 such doorways as widely separated as practicable.

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Bathroom facilities

50. (1) In child care premises there shall be —

- (a) one junior lavatory or one adult lavatory with a firm step and a junior seat; and
- (b) one hand basin either with a firm step, or at a height so as to provide reasonable child access,

for every 15 children or part of that number attending those premises.

[(1a) repealed]

(2) Where children under the age of 3 years are cared for in a child care service the following shall be provided —

- (a) a changing bench or mat with a washable top; and
- (b) one sink type bath that is —
 - (i) supplied with hot and cold water; and
 - (ii) positioned adjacent to, or in the case of a family day care service in close proximity to, the changing bench or mat referred to in paragraph (a).

(3) In addition to the requirements of subregulation (1), in child care premises, other than the premises of a family day care service there shall be at least one adult lavatory and handbasin for every 10 staff or part thereof.

*[Regulation 50 amended in Gazette 12 July 1991
p.3432; 15 March 1996 p.986.]*

Electrical installations

51. (1) Any electrical distribution board or control panel located in a children's play or rest area shall be behind a lockable door and installed at a minimum height of 1 200 mm above the adjacent floor level.

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(2) In a child care service licensed or authorised by permit for 15 or more children, where a passage, stair or ramp does not receive natural lighting either directly or through approved borrowed lights then lighting in the passage, stair or ramp shall be connected over at least 2 circuits, one of which may be that connecting a play or rest room.

(3) Subject to subregulation (3a), general purpose power outlets shall be installed at a minimum of 1 200 mm above adjacent floor level or alternatively shall be fitted with approved integral safety shutters or with an earth leakage circuit breaker.

(3a) Notwithstanding subregulation (3), general purpose power outlets on the premises of a family day care service that are not installed at a minimum of 1 200 mm above the adjacent floor level may be fitted with safety plugs approved by the Board, or otherwise protected in a manner approved by the Board, in lieu of compliance with subregulation (3).

(4) Where radiant type electrical heaters are used in play and rest rooms they shall be 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 from the ceiling.

(5) Wall mounted fans shall have approved blade guards and shall be located so that blades are at least 2 000 mm above the floor.

(6) Ceiling mounted fans shall be located so that blades are at least 2 400 mm above floor level unless children are adequately protected from inadvertent physical contact with the blades.

(6a) Free standing fans shall be located so that children are adequately protected from inadvertent physical contact with the blades.

(7) Aerial power supply cables operating at voltages in excess of extra low voltage shall be located so that clearances from mesh fences, gates and similar climbable structures are in accordance with Australian Standard 3000 — 1981 SAA Wiring Rules Table 16 column 5.

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(8) Cable pits and the like shall be provided with lids which by weight or mechanical means restrict access.

*[Regulation 51 amended in Gazette 12 July 1991
pp.3432-3; 15 March 1996 p.987.]*

Furniture

52. The licensee or permit holder shall ensure that adequate furniture is available to meet the physical needs of children and the developmental needs as outlined in Part 6.

*[Regulation 52 amended in Gazette 12 July 1991
p.3434.]*

Part 5 — Health and Safety

Illness or accident

53. (1) The Licensee or permit holder shall obtain from the parent of a child, written authority for staff of the child care service to seek medical attention for that child if required.

(2) Except in an emergency, the licensee or permit holder shall ensure that medication is not administered to a child without written authority from a parent of the child specifying the time, quantity and manner of administration of such medication.

[(3) *repealed*]

(4) The licensee or permit holder shall refuse to admit to the child care premises any child or other person who is apparently suffering from a communicable disease or condition which might prejudice the health of other children and staff members.

(5) The licensee or permit holder shall notify a parent of a child of an illness or injury suffered by the child, or an accident involving the child, that occurs while the child is attending the child care service and such notification shall be given on the same day that the illness, injury or accident occurs.

*[Regulation 53 amended in Gazette 12 July 1991
p.3434; 15 March 1996 p.987.]*

Director-General to be notified of certain matters

53A. (1) The licensee or permit holder shall notify the Director-General of —

- (a) the death of a child while attending the child care service and the circumstances in which the death occurred;
- (b) an injury to a child while attending the child care service that results in the admission of the child to a hospital, and the nature and circumstances of such injury; or

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- (c) any allegation of abuse, neglect or assault, including sexual assault, or of an offence under Chapter 22 of *The Criminal Code*, in respect of a child attending the child care service made against the licensee or permit holder, a staff member or, in the case of family day care, against a person residing on the premises specified in the licence or permit,

within one working day after the day on which the death or injury occurred or the allegation was made, as the case requires.

(2) The licensee or permit holder shall notify the Director-General of the outcome of any investigation into an allegation referred to in subregulation (1) (c).

- (3) In subregulation (1) —

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

*[Regulation 53A inserted in Gazette 15 March 1996
pp.987-8.]*

First-aid supplies

54. The licensee or permit holder shall maintain a fully equipped first-aid facility in efficient order on the child care premises in a position that is inaccessible to children.

*[Regulation 54 amended in Gazette 12 July 1991
p.3434.]*

Hygiene

54A. The licensee or permit holder shall ensure that staff members observe and maintain reasonable standards of hygiene in the provision of the child care service.

*[Regulation 54A inserted in Gazette 15 March 1996
p.988.]*

Departure procedure

55. (1) The licensee or permit holder shall ensure that no child attending the child care service is permitted to leave the child care premises unless the child is in the care of —

- (a) the child's parent or a person authorized by the child's parent;
- (b) a licensee, or permit holder or an adult employee of the child care service who is responsible for the child and who is authorized in writing by the parent to take the child from the child care premises; or
- (c) in the case of an emergency, when a person referred to in paragraph (a) or (b) is not available to take charge of the child, a person authorized by the licensee or permit holder having due regard to the safety and welfare of the child.

(2) If a child attending a child care service leaves the child care premises in the circumstances referred to in subregulation (1) (c), the licensee or permit holder of the child care service shall, as soon as is practicable, notify the Director-General of that occurrence.

*[Regulation 55 amended in Gazette 12 July 1991
pp.3433 and 3434; 15 March 1996 p.988.]*

Cleanliness, maintenance and repair of premises

56. The licensee or permit holder shall ensure that —

- (a) the child care premises are kept free from rodents, cockroaches and other vermin; and
- (b) the child care premises and all equipment and furnishings on those premises are maintained in a thoroughly safe, clean and hygienic condition and in good repair.

*[Regulation 56 inserted in Gazette 15 March 1996
p.988.]*

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Unsafe equipment

57. (1) The licensee or permit holder shall ensure that —

- (a) any child in the care of that licensee or permit holder who is using a wading or paddling pool is under the direct supervision of a person of not less than 18 years of age; and
- (b) when not in use any wading or paddling pool on the child care premises is emptied and stored in such a manner that it cannot collect water.

(1a) The licensee or permit holder shall ensure that any child in the care of the licensee or permit holder who is using a trampoline is under the direct supervision of a person of not less than 18 years of age.

(2) The licensee or permit holder shall, at all times premises are used as a child care service, prevent access by any child to any swimming pool on the premises unless in special circumstances the Director-General waives the requirement to comply with this subregulation.

*[Regulation 57 amended in Gazette 12 July 1991
pp.3433 and 3434.]*

Storage of tools and dangerous materials

58. The licensee or permit holder shall ensure that —

- (a) tools are stored in a place that is inaccessible to children;
- (b) cleaning supplies, first-aid supplies and other toxic materials are —
 - (i) clearly identified as such; and
 - (ii) stored in a place that is inaccessible to children;

and

- (c) flammable materials are stored separately from anything that constitutes or is likely to constitute a fire hazard.

[Regulation 58 inserted in Gazette 15 March 1996 pp.988-9.]

Fire, natural disasters and emergencies

59. (1) The licensee or permit holder shall comply with the requirements of the Western Australian Fire Brigades Board and shall develop and set down in writing evacuation and emergency procedures in case of fire, natural disaster or other emergencies.

(2) The licensee or permit holder shall ensure that each staff member is provided with a copy of the emergency procedures.

(3) The licensee or permit holder shall ensure that a practice of the emergency procedures is conducted at least twice in one year.

(4) In this regulation —

“**emergency procedures**” means evacuation and emergency procedures developed under subregulation (1);

“**year**” means a period of 12 months commencing on 1 July.

[Regulation 59 amended in Gazette 12 July 1991 p.3434; 15 March 1996 p.989.]

Animals

60. (1) Any animal or bird kept on or about the premises shall be maintained by the licensee or permit holder in a clean and healthy condition.

(2) The Director-General may direct the licensee or permit holder to keep a specified animal or bird in an area that is separate and a part from any area used by children.

[Regulation 60 amended in Gazette 12 July 1991 p.3434.]

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Plants

61. The licensee or permit holder shall identify any poisonous vegetation on the premises and shall ensure that the vegetation is not accessible to children.

*[Regulation 61 amended in Gazette 12 July 1991
p.3434.]*

Nutrition and food service

62. The licensee or permit holder shall ensure that —

- (a) the food provided by the child care service is nutritious and varied;
- (b) regard is had to the dietary needs of individual children arising from any specific cultural, religious or health requirements; and
- (c) the menu for each week is prominently displayed in a place visible to parents.

*[Regulation 62 inserted in Gazette 15 March 1996
p.989.]*

Alcohol and drugs

63. The licensee or permit holder shall ensure that —

- (a) no person who is adversely affected by drugs or alcohol supervises or remains in the presence of a child; and
- (b) no person is permitted to smoke a cigarette, cigar or pipe —
 - (i) while preparing food for the consumption of children;
 - (ii) while supervising or in the presence of a child; or

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- (iii) in a building in which the child care service is provided, or where the child care service is provided in a part of a building in that part of the building in which the child care service is provided, while children are attending the child care service.

*[Regulation 63 amended in Gazette 12 July 1991
p.3434; 15 March 1996 p.990.]*

Long attendance of child

64. (1) A licensee or permit holder shall notify the Director-General in writing, before the commencement of the period of care or within 7 days of the completion of the period of care, if any child is placed in the care of that licensee or permit holder for a period of more than 18 consecutive hours.

(2) A licensee or permit holder shall ensure that no child is placed in the care of that licensee or permit holder for more than 14 24-hour periods in one year without the approval of the Director-General.

(3) In subregulation (2) “**year**” means a period of 12 months commencing on 1 July.

*[Regulation 64 inserted in Gazette 12 July 1991
p.3433.]*

Telephone

65. Every child care service shall be connected to a telephone service except in special circumstances where the Director-General waives this requirement, in which case the licensee or permit holder shall provide immediate and unimpeded access to a telephone on or immediately adjacent to the child care premises during the whole of the time the child care service is open to the public.

*[Regulation 65 amended in Gazette 12 July 1991
p.3434.]*

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Burns

66. (1) A licensee or permit holder shall not use a portable kerosene heater on child care premises.

(2) A licensee or permit holder shall not use an oil-filled, fan type or similar low surface temperature heater as a portable or fixed appliance unless the appliance is —

- (a) fitted with its own temperature safety thermostat;
- (b) not a fire hazard; and
- (c) effectively shielded or guarded so that live parts cannot be probed.

(3) The licensee or permit holder shall ensure that every fire or heating apparatus, howsoever fuelled, other than a low surface temperature heater is effectively shielded or guarded to prevent direct contact by or access to any child and the emission of any sparks or flame.

*[Regulation 66 amended in Gazette 12 July 1991
p.3434.]*

Offences

66A. Subject to the conditions of his or her licence or permit, a licensee or permit holder who fails to comply with a regulation under this Part commits an offence.

Penalty: \$1 500 and a daily penalty of \$100.

*[Regulation 66A inserted in Gazette 12 July 1991
p.3433.]*

Part 6 — Programmes

Programmes

67. (1) The licensee or permit holder shall ensure that the child care service provides a programme of activities which is developmentally appropriate to the needs of the children attending the service.

(2) The programme developed by each child care service shall —

- (a) provide a balance of indoor and outdoor activities;
- (b) include activities that a child may choose to participate in; and
- (c) be designed to stimulate and provide for the development of each child's social, cultural, physical, emotional, intellectual, language and creative potential.

(3) Except in family day care, the licensee or permit holder shall ensure that a copy of the programme is prominently displayed in each indoor playing area on the child care premises.

*[Regulation 67 amended in Gazette 12 July 1991
p.3434; 15 March 1996 p.990.]*

Equipment

68. The licensee or permit holder shall ensure that the child care service is provided with equipment in accordance with guidelines approved by the Director-General.

*[Regulation 68 inserted in Gazette 15 March 1996
p.990.]*

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Part 7 — Administration

Admission register

69. (1) The licensee or permit holder shall ensure that a record in the form of an admission register is kept for each child enrolled in the child care service.

(2) The admission register shall include —

- (a) the full name, date of birth, gender and address of the child;
- (b) the full name, address, place of employment and telephone number of each parent;
- (c) the full name and address of the person from whom the child will be received;
- (d) the full name, address and telephone number of a person authorized by a parent to collect the child from the child care premises;
- (e) the full name, address and telephone number of a person, other than a parent, who may be contacted in an emergency;
- (f) the name, address and telephone number of the child's medical practitioner or hospital;
- (g) a parent's written authorization for medical attention to be sought for the child if required in an emergency;
- (h) a parent's written authorization for the child to be escorted to or from a specified place;
- (i) details of any court order relating to the guardianship or custody of, or access to, the child;
- (j) the principal language spoken by the child or, if the child has not learned to speak, by the child's parents;

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- (k) any relevant information relating to cultural, religious, dietary or other special needs that the child may have;
- (l) relevant details of the child's medical history including current immunization status and any allergies suffered by the child; and
- (m) any other relevant information relating to the child.

*[Regulation 69 inserted in Gazette 15 March 1996
p.991.]*

Record of medication

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69A. (1) The licensee or permit holder shall ensure that a record is kept of any medication administered to a child while attending the child care service.

(2) A record of medication shall include —

- (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; and
- (e) except in an emergency, a parent's written authorization for the administration of the medication and any instructions as to the administration of the medication.

*[Regulation 69A inserted in Gazette 15 March 1996
pp.991-2.]*

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Other records

69B. The licensee or permit holder shall ensure that the following records are kept —

- (a) a daily record of attendance which includes —
 - (i) the times of arrival and departure; and
 - (ii) the signature of the person responsible for verifying the accuracy of the record;
- (b) a record of —
 - (i) any injury to or accident involving a child while attending the child care service, including details of the nature and circumstances of the injury or accident;
 - (ii) any treatment given to a child who is injured or becomes ill while attending the child care service; or
 - (iii) the death of a child while attending the child care service, including details of the circumstances in which the child died;
- (c) a record of excursions which includes —
 - (i) a parent's signature and authorization;
 - (ii) the destination; and
 - (iii) times of departure and return;
- (d) a record of the names of children temporarily absent from the child care service for whatever purpose;
- (e) a record of each practice of emergency procedures conducted in accordance with regulation 59;

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- (f) such records relating to the employment of staff as are required to be kept under industrial and revenue collection legislation; and
- (g) particulars of the programme referred to in regulation 67.

*[Regulation 69B inserted in Gazette 15 March 1996
p.992.]*

Keeping of records

69C. (1) The licensee or permit holder shall ensure that a record required to be kept under regulation 69, 69A or 69B is kept in an up to date form and in a safe and secure area on the child care premises.

(2) The licensee or permit holder shall ensure that —

- (a) a record under regulation 69B (b) (i) or (ii) is retained until the child attains the age of 24 years;
- (b) a record under regulation 69B (b) (iii) is retained for a period of 6 years from the day on which the record was made; and
- (c) a record under regulation 69B (e) is retained for a period of 2 years from the day on which the record was made.

*[Regulation 69C inserted in Gazette 15 March 1996
p.992.]*

Confidentiality of records

69D. The licensee or permit holder shall ensure that information contained in a record required to be kept under regulation 69, 69A or 69B is not directly or indirectly disclosed or communicated to another person except —

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

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

*[Regulation 69D inserted in Gazette 15 March 1996
p.993.]*

Falsification of records

70. A person who falsifies a record required to be kept under regulation 69, 69A or 69B commits an offence.

Penalty: \$500.

*[Regulation 70 amended in Gazette 15 March 1996
p.993.]*

Other particulars

71. The licensee or permit holder shall ensure that the following particulars are readily available in writing to parents upon request —

- (a) a statement of the child care service philosophy;
- (b) an outline of the child care service programme;
- (c) times and days of opening;
- (d) fees;
- (e) the child care service practice and policy regarding outings;
- (f) the child care service practice and policy regarding delivery and collection of children;
- (fa) the child care service practice and policy regarding the discipline and management of children;
- (fb) the child care service practice and policy regarding food, nutrition and the dietary needs of individual children;

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- (g) the child care service practice and policy regarding illness and infections, including any practice or policy relating to the exclusion of children suffering from a communicable disease or condition;
- (ga) the child care service practice and policy regarding relief family day care;
- (h) emergency and evacuation procedures;
- (i) procedures for dealing with concerns of parents;
- (ia) the periods of time for which particular records are required to be retained under regulation 69C (2); and
- (j) the name, address and telephone number of the Child Care Services Board.

*[Regulation 71 amended in Gazette 12 July 1991
pp.3433 and 3434; 15 March 1996 p.993.]*

Visiting

72. The licensee or permit holder shall permit a parent who is responsible at the time for the attendance of a child at the child care service to visit the child at the child care premises at any reasonable time.

*[Regulation 72 amended in Gazette 12 July 1991
p.3434.]*

Insurance

73. Every licensee and permit holder shall obtain and keep current a policy of insurance that will adequately meet the public liability of that person in respect of the provision of a child care service.

*[Regulation 73 inserted in Gazette 12 July 1991
p.3433.]*

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Discipline

74. (1) In the discipline or management of children enrolled in a child care service the licensee or permit holder shall ensure that —

- (a) every child is given positive guidance directed towards acceptable behaviour with praise freely given and blame and admonition kept to a practicable minimum;
- (b) no child is subjected to any form of corporal punishment, punishment by solitary confinement, immobilization or other humiliating or frightening punishment; and
- (c) no child is isolated for any reason other than illness or accident for any period exceeding 3 minutes.

(2) A child isolated under subregulation (1) (c) shall be kept in the line of vision of a staff member.

*[Regulation 74 amended in Gazette 12 July 1991
p.3434; 15 March 1996 p.993.]*

Offences

74A. Subject to the conditions of his or her licence or permit, a licensee or permit holder who fails to comply with a regulation under this Part commits an offence.

Penalty: \$1 500 and a daily penalty of \$100.

*[Regulation 74A inserted in Gazette 12 July 1991
p.3434.]*

Part 8 — Review

Review of Regulations

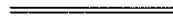
75. (1) The Director-General shall appoint a Consultative Committee to review the operation of these regulations.

(2) The Consultative Committee shall include one member of the Child Care Services Board and such other persons as the Director-General thinks appropriate.

(3) The Director-General may discharge or alter the Consultative Committee as the Director-General thinks appropriate.

(4) The Consultative Committee shall carry out a review of the operation of these regulations and prepare a report based on the review for the Director-General by 30 March 1991 and every 5 years thereafter.

(5) Subject to the directions of the Director-General, the Consultative Committee shall determine its own procedures.



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NOTES

¹ This reprint is a compilation as at 22 January 1997 of the *Community Services (Child Care) Regulations 1988* and includes the amendments effected by the regulations referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Community Services (Child Care) Regulations 1988</i>	25 November 1988 pp.4684-95	1 March 1989 (see regulation 2 and <i>Gazette</i> 25 November 1988, p.4679)	
<i>Community Services (Child Care) Amendment Regulations 1991</i>	12 July 1991 pp.3428-34	12 July 1991	
<i>Community Services (Child Care) Amendment Regulations 1996</i>	15 March 1996 pp.981-94	15 March 1996	Regulation 33 transitional ⁴

² Now the *Local Government (Miscellaneous Provisions) Act 1960*. Title changed by the *Local Government Act 1995* (Act No. 74 of 1995) section 9.70 (see item 2 of Schedule 9.2 of Act No. 74 of 1995).

³ Repealed by the *Acts Amendment (Child Care Services) Act 1987* (Act No. 105 of 1987) section 12.

⁴ Regulation 33 of the *Community Services (Child Care) Amendment Regulations 1996* (published in *Gazette* 15 March 1996 pp. 981-94) reads as follows —

“ **Transitional**

33. (1) In this regulation —

“**commencement day**” means the day on which these regulations are published in the *Gazette*;

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“existing licence” means a licence under section 17B of the Act in force on the commencement day;

“existing permit” means a permit under section 17B of the Act in force on the commencement day.

(2) For the purposes of regulation 40 of the principal regulations, child care premises specified in an existing licence or an existing permit are to be taken to comply with Part 4 of the principal regulations if they comply with that Part as in force before the commencement day.

(3) During the period of 6 months from the commencement day the holder of an existing licence or an existing permit does not commit an offence under regulation 66A of the principal regulations if, subject to the conditions of the licence or permit, the holder complies with the regulations under Part 5 of the principal regulations as in force before the commencement day.

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⁵

Repealed by the *Child Welfare (Care Centres) Repeal Regulations 1988* published in the *Gazette* on 25 November 1988 p. 4695 operative 1 March 1989 (see *Gazette* 25 November 1988 p. 4679).

