Western Australia

Child Care Services Regulations 2007

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Western Australia

Child Care Services Act 2007

Child Care Services Regulations 2007

## Part 1 — Preliminary

##### 1. Citation

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

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

## Part 2 — General provisions

##### 2. Prescribed offences

An offence that is a Class 1 offence or a Class 2 offence, as those terms are defined in the *Working with Children (Criminal Record Checking) Act 2004* section 4, is prescribed for the purposes of the definition of “prescribed offence” in section 3 of the Act.

##### 3. Age prescribed for s. 4(1)

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

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

(1) In this regulation —

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

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

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

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

(a) cardiopulmonary resuscitation;

(b) expired air resuscitation;

(c) management of emergency situations that could be life threatening or cause permanent damage to a casualty;

(d) management of injuries;

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

(2) Care provided to a child is excluded from the application of section 4(1) of the Act if —

(a) the child has reached 2 months of age; and

(b) a parent or other relative of the child is available to attend to the child’s immediate physical needs; and

(c) each care session does not exceed 3 hours; and

(d) the care sessions in any week do not exceed 12 hours; and

(e) the number of care sessions on any day does not exceed 2 and those sessions are separated by a period of at least one hour; and

(f) in circumstances where there is one care giver —

(i) the care giver has reached 21 years of age; and

(ii) the care giver has current first aid qualifications; and

(iii) another person who has reached 18 years of age is available to provide assistance in an emergency situation;

and

(g) in circumstances where there are 2 or more care givers —

(i) at least one of the care givers has reached 21 years of age; and

(ii) at least one of the care givers has current first aid qualifications.

(3) Care provided to a child with a disability is excluded from the application of section 4(1) of the Act if —

(a) the care is funded by a grant of financial assistance approved under the *Disability Services Act 1993* section 24(1)(c); and

(b) the grant of financial assistance was made to a body corporate; and

(c) the care is provided by an employee of that body corporate.

(4) Care provided to a child with a disability is excluded from the application of section 4(1) of the Act until 1 March 2008 if the care —

(a) is funded by a grant of financial assistance approved under the *Disability Services Act 1993* section 24(1)(a) or (b); or

(b) is funded by a grant of financial assistance approved under the *Disability Services Act 1993* section 24(1)(c) and is not care to which subregulation (3) applies.

(5) Care provided to a child is excluded from the application of section 4(1) of the Act if the care is provided solely for the purposes of —

(a) the child’s participation in religious instruction or sporting, educational, recreational or cultural events or activities; or

(b) the child’s membership of a non‑profit community organisation.

(6) Care provided solely to children who are enrolled in a secondary programme is excluded from the application of section 4(1) of the Act.

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

(1) In this regulation —

**“**creche facility**”** means a facility for the provision of care to which regulation 4(2) applies.

(2) A person who operates a creche facility must ensure that a notice in accordance with subregulation (3) is displayed in a prominent position at or near the entrance to the place where the creche facility is operated.

Penalty: a fine of $2 000.

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

## Part 3 — Transitional matters

##### 6. Terms used in this Part

(1) In this Part —

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

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

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

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

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

##### 7. Supervising officers

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

(a) the end of the initial licence period for the licence relating to that child care service; or

(b) the appointment of another supervising officer for that child care service,

whichever happens first.

##### 8. Application of s. 18 to certain licences

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

##### 9. Holders of particular types of licence

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

##### 10. Notified services

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

(2) If, immediately before the commencement day, an application for a licence in respect of a notified service has not been made under the Part 8 provisions, the notified service is to be taken to be provided under and in accordance with a licence authorising its provision at the place where it is provided until —

(a) in the case where an application for a licence in respect of the notified service is made under the Act before 1 March 2008 — the day on which a licence in respect of the notified service is granted or refused by the CEO; and

(b) in any other case — 1 March 2008.

Notes

1 This is a compilation of the *Child Care Services Regulations 2007.* The following table contains information about those regulations.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Child Care Services Regulations 2007* | 7 Aug 2007 p. 4059-70 | 10 Aug 2007 (see note to r. 1 and *Gazette* 9 Aug 2007 p. 4071) |