

Children's Services Amendment Regulations 2011

S.R. No. 162/2011

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STATUTORY RULES 2011

S.R. No. 162/2011

Children's Services Act 1996

Children's Services Amendment Regulations 2011

The Governor in Council makes the following Regulations:

Dated: 21 December 2011

Responsible Minister:

WENDY LOVELL

Minister for Children and Early Childhood Development

MATTHEW McBEATH

Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Children's Services Regulations 2009—

- (a) to make consequential amendments as a result of the amendments made to the **Children's Services Act 1996** by the **Children's Services Amendment Act 2011**; and
- (b) to set out minimum hours of access to teaching staff members for standard services caring for or educating less than 25 children; and
- (c) to make other consequential and miscellaneous amendments.

2 Authorising provision

These Regulations are made under section 56 of the **Children's Services Act 1996**.

3 Commencement

These Regulations come into operation on 1 January 2012.

4 Principal Regulations

In these Regulations, the Children's Services Regulations 2009¹ are called the Principal Regulations.

5 Definitions

(1) In regulation 5(1) of the Principal Regulations—

(a) **insert** the following definitions—

"budget based service means a children's service that—

- (a) receives financial assistance under the Budget Based Funding Program element of the Child Care Services Support Program; and
- (b) is not a service that receives the Child Care Benefit in relation to the provision of education and care;

early childhood intervention service means a children's service provided for the principal purpose of providing intervention (other than purely therapeutic intervention) or support for children with a disability, additional needs or developmental delay;

mobile service means a children's service that—

- (a) provides education and care primarily to children who are not school children; and

- (b) transports its equipment and materials or staff to one or more locations on each occasion that the service is provided;

occasional care service means a children's service that provides education and care to children primarily on an ad hoc or casual basis where—

- (a) the service does not usually offer full-time or all day education and care to children on an ongoing basis; and
- (b) most of the children provided with education and care are not school children;

school holidays care service means a children's service that is established to care for or educate children for no more than 4 weeks per calendar year during school holidays;"

- (b) in the definition of *early childhood intervention staff member*, for "*staff member*" **substitute** "*worker*";
- (c) in the definition of *integrated service* omit "or a family day care service";
- (d) the example at the foot of the definition of *short term Type 1 service* is **revoked**;
- (e) the example at the foot of the definition of *short term Type 2 service* is **revoked**;
- (f) in the definition of *staff member*, for ", a family day carer or a visiting early childhood intervention staff member" **substitute** "or an early childhood intervention worker";

- (g) for the definition of *standard service* **substitute**—

standard service means a children's service that is—

- (a) an early childhood intervention service; or
 - (b) an occasional care service; or
 - (c) a mobile service; or
 - (d) a budget based service;"
- (h) the definitions of *outside school hours care service*, *outside school hours care Type 1 service*, *outside school hours care Type 2 service* and *visiting early childhood intervention staff member* are **revoked**.

- (2) In regulation 5(1) of the Principal Regulations, in the definition of *qualified staff member*—

(a) in paragraph (b)(ii), for "an outside school hours care service" **substitute** "a school holidays care service";

- (b) for paragraph (d) **substitute**—

"(d) holds one of the following qualifications—

- (i) a qualification included in the list of approved diploma level education and care qualifications published under the national regulations; or
 - (ii) a qualification included in the list of approved early childhood teaching qualifications published under the national regulations; or
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- (e) in the case of a school holidays care service—
- (i) holds a primary school teaching qualification; or
 - (ii) holds a qualification included in the list of qualifications for working with children over preschool age for Victoria published under the national regulations;".
- (3) In regulation 5(1) of the Principal Regulations, in the definition of *teaching staff member*—
- (a) in paragraph (b), for "paragraph (a);" **substitute** "paragraph (a); or";
 - (b) after paragraph (b) **insert**—
 - "(c) holds a qualification included in the list of approved early childhood teaching qualifications published under the national regulations;".
- (4) Regulation 5(4) and (5) of the Principal Regulations are **revoked**.

6 Types of licences

- (1) For regulation 7(b) of the Principal Regulations **substitute**—
 - "(b) a licence to operate a school holidays care service;".
 - (2) Regulation 7(c) of the Principal Regulations is **revoked**.
 - (3) The note at the foot of regulation 7 of the Principal Regulations is **revoked**.
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7 Application for licence

- (1) In regulation 8(1) of the Principal Regulations, for "section 18(a)" **substitute** "section 18(1)(a)".
- (2) For regulation 8(2)(b) of the Principal Regulations **substitute**—
 - "(b) the number of places offered by the children's service; and".
- (3) In regulation 8(3) of the Principal Regulations, for "section 18(b)(viii)" **substitute** "section 18(1)(b)(viii)".

8 Condition limiting number of school children cared for

For regulation 10(2) of the Principal Regulations **substitute**—

- "(2) This condition does not apply to—
- (a) a licence to operate a school holidays care service; or
 - (b) a component of an integrated licence that consists of a school holidays care service."

9 Regulation 13 substituted

For regulation 13 of the Principal Regulations **substitute**—

"13 Conditions applying to licences to operate school holidays care services

- (1) All the children cared for or educated by a school holidays care service must be school children.
 - (2) A school holidays care service may care for or educate children only during school holidays."
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10 Regulation 14 revoked

Regulation 14 of the Principal Regulations is **revoked**.

11 Amendment of heading to Division 5

In the heading to Division 5 of Part 2 of the Principal Regulations **omit "and venues"**.

12 Regulation 16 revoked

Regulation 16 of the Principal Regulations is **revoked**.

13 Renewal of licence to operate a children's service

(1) For the heading to regulation 17 of the Principal Regulations **substitute—**

"Renewal of licence to operate a children's service".

(2) In regulation 17(1) of the Principal Regulations **omit "**, other than a family day care service,".

14 Regulation 18 revoked

Regulation 18 of the Principal Regulations is **revoked**.

15 Renewal of licence—late application fee

For regulation 19(b) of the Principal Regulations **substitute—**

"(b) the number of places offered by the children's service; and".

16 Variation or removal of licence condition

For regulation 20(3)(b) of the Principal Regulations **substitute—**

"(b) the number of places offered by the children's service."

17 Variation of period of licence

For regulation 21(2)(b) of the Principal Regulations **substitute**—

"(b) the number of places offered by the children's service; and".

18 Information not prescribed for certain classes of applications

In regulation 24(2) of the Principal Regulations **omit** "18,".

19 Division 9 of Part 2 revoked

Division 9 of Part 2 of the Principal Regulations is **revoked**.

20 New Parts 2A and 2B inserted

After Part 2 of the Principal Regulations **insert**—

**"PART 2A—SERVICE APPROVALS FOR
APPROVED ASSOCIATED CHILDREN'S
SERVICES**

24A Application for approval of new nominees and primary nominees

For the purposes of section 25Y of the Act—

- (a) the relevant prescribed information for an application under section 25X of the Act is the information set out in Part 12 of Schedule 1; and
- (b) the relevant prescribed fee for that application is 3 fee units.

24B Application for voluntary suspension of service approval for approved associated children's service

- (1) For the purposes of section 25ZA(2) of the Act—
- (a) the relevant prescribed information for an application under section 25ZA(1) of the Act is the information set out in Part 13 of Schedule 1; and
 - (b) the relevant prescribed fee for that application is 3 fee units.
- (2) For the purposes of section 25ZA(3)(b) of the Act, the following conditions are prescribed—
- (a) either—
 - (i) the premises at which the service operates will be undergoing building works or renovation during the proposed period of suspension; or
 - (ii) in the case of a service that is located in a rural or remote area, the number of children enrolled at the service means that it would not be viable to operate the service during the proposed period of suspension;
 - (b) the service approval, to the extent that it relates to an approved associated children's service, has not been suspended during the previous 5 years;
 - (c) the proposed period of suspension is no longer than 12 months.
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24C Cancellation of service approval for approved associated children's service at request of approved provider

A request by the approved provider of an approved associated children's service under section 25ZB of the Act to cancel a service approval to the extent that it relates to an approved associated children's service must be accompanied by the information set out in Part 14 of Schedule 1.

PART 2B—REGISTERS

25 Register of licensed children's services and approved associated children's services

- (1) For the purposes of section 53(2) of the Act, the prescribed information about a children's service other than an approved associated children's service is—
- (a) the name, address, telephone and email contact details of the children's service; and
 - (b) the name of the licensee; and
 - (c) the name of the representative (if any); and
 - (d) the name of the primary nominee; and
 - (e) the number of the licence; and
 - (f) the type of licence; and
 - (g) the type of services provided by the licensee at the premises; and
 - (h) the date the licence was granted and the date it expires; and
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- (i) the maximum number of children who may be cared for or educated by the service at any one time.
- (2) For the purposes of section 53(2) of the Act, the prescribed information about an approved associated children's service is—
- (a) the name, address, telephone and email contact details of the approved associated children's service; and
 - (b) the name of the approved provider; and
 - (c) the name of the primary nominee; and
 - (d) the service approval number; and
 - (e) the date the service approval was granted; and
 - (f) the type of children's service provided by the approved provider at the premises; and
 - (g) the maximum number of children who may be cared for or educated by the service at any one time.

26 Fees for copies and extracts

For the purposes of section 53(4) of the Act, the prescribed fee for a copy of or extract from the register kept under section 53(1) of the Act is 3 fee units.

_____".

21 Enrolment and other documents

Regulation 28(1)(f), (3) and (4) of the Principal Regulations are **revoked**.

22 Attendance record kept by proprietor of a children's service

In regulation 29(2)(b) of the Principal Regulations **omit** "or family day carer".

23 Regulation 30 revoked

Regulation 30 of the Principal Regulations is **revoked**.

24 Child enrolment records—general

(1) For regulation 31(f) of the Principal Regulations **substitute—**

"(f) the name, address and telephone number of each person who has lawful authority to authorise the taking of the child outside the premises of the service by a staff member of the service;"

(2) In regulation 31(g)(iii) of the Principal Regulations **omit** "or family day carer".

25 Regulation 32 revoked

Regulation 32 of the Principal Regulations is **revoked**.

26 Authorisations to be kept in child enrolment record

(1) Regulation 33(b) of the Principal Regulations is **revoked**.

(2) For regulation 33(c) of the Principal Regulations **substitute—**

"(c) if relevant, an authorisation signed by a person whose name has been provided under regulation 31(f) for the children's service to take the child on routine outings."

27 Health information to be kept in child enrolment record

In regulation 34(g) of the Principal Regulations **omit** "or a family day carer".

28 Confidentiality of child enrolment records

Regulation 35(2) of the Principal Regulations is **revoked**.

29 Matters to be recorded in medication record

- (1) Regulation 36(2) of the Principal Regulations is **revoked**.
- (2) In regulation 36(3)(b) of the Principal Regulations **omit** "or 32(g)".

30 Matters to be recorded in accident, injury, trauma and illness record

- (1) Regulation 37(2) of the Principal Regulations is **revoked**.
- (2) In regulation 37(3) of the Principal Regulations—
 - (a) in paragraph (a) **omit** "or the family day carer";
 - (b) in paragraph (b), for "children's service or the family day carer" **substitute** "children's service,";
 - (c) in paragraphs (c) and (d) **omit** "or family day carer" (wherever occurring).

31 Heading to Division 5 of Part 3 substituted

For the heading to Division 5 of Part 3 of the Principal Regulations **substitute**—

"Division 5—Staff records".

32 Matters to be recorded in staff record

- (1) In regulation 38(2)(a) of the Principal Regulations, for "visiting early childhood intervention staff member" **substitute** "early childhood intervention worker".
- (2) In regulation 38(3) of the Principal Regulations—
 - (a) for "visiting early childhood intervention staff member" **substitute** "early childhood intervention worker";
 - (b) in paragraph (a), after "licensee," **insert** "approved provider,".
- (3) In regulation 38(4) of the Principal Regulations, for "regulation 70(5), 70(6) or 70(7)" **substitute** "regulation 70 or 70A".

33 Regulation 39 revoked

Regulation 39 of the Principal Regulations is **revoked**.

34 Heading to Division 1 of Part 4 revoked

The heading to Division 1 of Part 4 of the Principal Regulations is **revoked**.

35 Information to be displayed at children's service

- (1) In the heading to regulation 40 of the Principal Regulations **omit** "other than family day care service".
- (2) In regulation 40(1) of the Principal Regulations **omit** ", other than a family day care service,".
- (3) For regulation 40(1)(b) of the Principal Regulations **substitute**—
 - "(b) the names of—
 - (i) the licensee and, if the licensee is a body corporate, a representative; or

(ii) in the case of an approved associated children's service, the approved provider and, if the approved provider is a body corporate, a responsible person;"

(4) In regulation 40(1)(d) of the Principal Regulations for "licensee" **substitute** "licensee, approved provider".

36 Information to be made available at children's service

(1) In the heading to regulation 41 of the Principal Regulations **omit** "other than family day care service".

(2) In regulation 41 of the Principal Regulations **omit** ", other than a family day care service,".

37 Notice of changes to information

In regulation 42 of the Principal Regulations **omit** ", other than a family day care service,".

38 Information to be available—anaphylaxis management policy

In regulation 43 of the Principal Regulations **omit** ", other than a family day care service,".

39 Information to be available—accident, injury, trauma and illness record

In regulation 44 of the Principal Regulations **omit** ", other than a family day care service,".

40 Division 2 of Part 4 revoked

Division 2 of Part 4 of the Principal Regulations is **revoked**.

41 Minimum staff requirements

In regulation 50 of the Principal Regulations **omit** "a family day care service or".

42 Minimum staff requirements—certain school holidays care services

- (1) In the heading to regulation 51 of the Principal Regulations, for "**outside school hours care services**" **substitute** "**school holidays care services**".
- (2) In regulation 51(1) of the Principal Regulations, for "an outside school hours care service" **substitute** "a school holidays care service".
- (3) In regulation 51(1)(b) of the Principal Regulations, for "outside school hours care service" **substitute** "school holidays care service".

43 Minimum hours of teaching staff—services educating and caring for 25 or more children

- (1) For the heading to regulation 52 of the Principal Regulations **substitute**—
"Minimum hours of teaching staff—services educating and caring for 25 or more children".
- (2) For regulation 52(1) of the Principal Regulations **substitute**—

"(1AA) This regulation applies to—

- (a) a standard service that is licensed or, in the case of an approved associated children's service, approved to care for and educate 25 or more children at any one time;
- (b) an integrated service that includes a standard service component that is licensed to care for and educate 25 or more children at any one time.

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- (1) The proprietor of the service must ensure that a teaching staff member is caring for or educating children at the standard service or each standard service component for at least the lesser of—
- (a) 50 per cent of the time the service is open to care for or educate children; or
 - (b) 20 hours per week.

Penalty: 10 penalty units."

44 New regulation 52A inserted

After regulation 52 of the Principal Regulations
insert—

**"52A Minimum hours of teaching staff—
services educating or caring for fewer
than 25 children**

- (1) This regulation applies to—
- (a) a standard children's service that is licensed or, in the case of an approved associated children's service, approved to care for and educate fewer than 25 children at any one time; or
 - (b) an integrated service that includes a standard service component that is licensed to care for and educate fewer than 25 children at any one time.
- (2) The proprietor of the service must ensure that the standard service or each standard service component has access to a teaching staff member working with the service for at least 20 per cent of the time the service provides education or care.

Penalty: 10 penalty units.

- (3) If a teaching staff member is absent from the service because of illness or annual leave, the following persons may be taken for the purposes of subregulation (2) to be a teaching staff member during that absence—
 - (a) a qualified staff member; or
 - (b) a person who holds a qualification in primary school teaching.
- (4) To avoid doubt, subregulation (3) does not apply in the case of maternity leave, long service leave or other similar leave.
- (5) For the purposes of subregulation (2)—
 - (a) a teaching staff member is working with the service if he or she is carrying out activities for the service, including caring for and educating children and planning programs;
 - (b) the teaching staff member may be working with the service by means of information communication technology.
- (6) For the purposes of this regulation the period that a teaching staff member works with a service may be calculated on a quarterly basis."

45 Regulation 54 substituted

For regulation 54 of the Principal Regulations substitute—

"54 Child/staff ratios—school holidays care services

For the purposes of section 29A of the Act, the prescribed number of staff members for a school holidays care service is—

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- (a) 1 staff member for every 15 children or fraction of that number; and
 - (b) 1 qualified staff member for every 30 children or fraction of that number."

46 Minimum training

- (1) In regulation 60 of the Principal Regulations **omit** ", other than a family day care service,".
- (2) After regulation 60(b) of the Principal Regulations **insert**—
 - "(ba) holds a qualification included in the list of approved certificate III level education and care qualifications published under the national regulations; or".
- (3) In regulation 60(f) of the Principal Regulations, for "an outside school hours care service" **substitute** "a school holidays care service".

47 Regulation 61 revoked

Regulation 61 of the Principal Regulations is **revoked**.

48 Secretary may declare qualifications or training

In regulation 62 of the Principal Regulations **omit** "or 61".

49 Staff members to have first aid and anaphylaxis management training

For regulation 63(1) of the Principal Regulations **substitute**—

- "(1AA) This regulation applies in respect of a staff member who is—
 - (a) counted in the minimum number of staff members required for the purposes of regulation 50; or

- (b) a qualified staff member on duty for the purposes of regulation 51; or
 - (c) counted in the prescribed number of staff members or qualified staff members for the purposes of Division 2 of Part 5.
- (1) The proprietor of a children's service must ensure each staff member has completed at least every 3 years the first aid training and anaphylaxis management training set out in this regulation that is approved by the Secretary in accordance with regulation 66.
- Penalty: 10 penalty units."

50 Regulation 64 revoked

Regulation 64 of the Principal Regulations is **revoked**.

51 Adrenaline auto-injection device and CPR training

- (1) In regulation 65(1) of the Principal Regulations **omit** ", other than a family day care service,".
- (2) Regulation 65(2) of the Principal Regulations is **revoked**.

52 Secretary may approve first aid and anaphylaxis management training

In regulation 66(1) of the Principal Regulations **omit** "or 64".

53 Anaphylaxis training where child diagnosed as at risk

- (1) In regulation 67(2) of the Principal Regulations **omit** "other than a family day care service".
 - (2) Regulation 67(3) of the Principal Regulations is **revoked**.
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- (3) In regulation 67(4) of the Principal Regulations **omit** "or family day carer".

54 Health of staff members

- (1) In the heading to regulation 68 of the Principal Regulations **omit** "**and family day carers**".
- (2) In regulation 68(1) of the Principal Regulations **omit** "other than a family day care service".
- (3) Regulation 68(2), (3) and (5) of the Principal Regulations are **revoked**.

55 Regulation 69 revoked

Regulation 69 of the Principal Regulations is **revoked**.

56 Assessment notices

- (1) Regulation 70(2) of the Principal Regulations is **revoked**.
- (2) In regulation 70(4) of the Principal Regulations for "visiting early childhood intervention staff member" **substitute** "early childhood intervention worker".
- (3) In regulation 70(6) of the Principal Regulations **omit** "(2)".
- (4) After regulation 70(7) of the Principal Regulations **insert—**
- "(7A) Subregulation (4) does not apply if the early childhood intervention worker cares for or educates children at the children's service only under the immediate supervision of the proprietor or a qualified staff member of the service."

57 New regulation 70A inserted

After regulation 70 of the Principal Regulations
insert—

"70A Assessment notices—approved associated children's services

- (1) An approved provider of an approved associated children's service must read, or must ensure the primary nominee or nominee currently present and in charge of the children's service has read, a person's current assessment notice before that person becomes an employee or is otherwise engaged as a staff member of the children's service.

Penalty: 10 penalty units.

- (2) An approved provider of an approved associated children's service must read, or must ensure that the primary nominee or nominee currently present and in charge of the children's service has read, a person's current assessment notice or volunteer assessment notice before the person becomes a volunteer at the associated children's service.

Penalty: 10 penalty units.

- (3) An approved provider of an approved associated children's service must read, or must ensure the primary nominee or nominee currently present and in charge of the children's service has read, a current assessment notice for each early childhood intervention worker.

Penalty: 10 penalty units.

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- (4) Subregulations (1), (2) and (3) do not apply in respect of a person if—
- (a) an assessment notice or volunteer assessment cannot be issued for the person because of the person's age; and
 - (b) the person cares for or educates children at the approved associated children's service only under the immediate supervision of the proprietor or a qualified staff member of the service.
- (5) Subregulations (1), (2) and (3) do not apply in respect of a person who is registered as a teacher under the **Education and Training Reform Act 2006**, if the approved provider, primary nominee or nominee currently present and in charge of the children's service has checked the relevant register kept under that Act and confirmed that the person is so registered.
- (6) Subregulation (2) does not apply if the volunteer—
- (a) cares for or educates children at the approved associated children's service only under the immediate supervision of the proprietor or a qualified staff member of the service; and
 - (b) is not included in the child/staff ratios if the service is a limited hours or short term service.
- (7) Subregulation (3) does not apply if the early childhood intervention worker cares for or educates children at the approved associated children's service only under the immediate supervision of the proprietor or a qualified staff member of the service.
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- (8) An approved provider of an approved associated children's service must ensure that any information in an assessment notice or a volunteer assessment notice referred to in this regulation and read by the approved provider, the nominee currently present and in charge of the children's service or the primary nominee of the children's service is not divulged by the approved provider, the nominee or the primary nominee, directly or indirectly, to any person except the approved provider, the nominee, the primary nominee, the Secretary or an authorised officer.

Penalty: 10 penalty units.

Note

It is an offence under section 35 of the **Working with Children Act 2005** to engage a person in child-related work if the person does not have a current assessment notice."

58 Access to the premises

In regulation 71(b) of the Principal Regulations **omit** "or a family day carer".

59 Collection of children

- (1) In regulation 72(1)(b) of the Principal Regulations **omit** "or a family day carer engaged by the service to provide care or education to children".
- (2) For the example at the foot of regulation 72(2) of the Principal Regulations **substitute**—

"Example

A school child's parent may authorise the school child to leave a school holidays care service unaccompanied."

60 Authorisation for removal of child by staff member

- (1) In the heading to regulation 73 of the Principal Regulations **omit "or family day carer"**.
- (2) In regulation 73(1) of the Principal Regulations **omit "or a family day carer"**.
- (3) In regulation 73(2) of the Principal Regulations **omit "or family day carer"**.
- (4) In regulation 73(2)(g) of the Principal Regulations **omit ", family day carers"**.
- (5) In regulation 73(3) of the Principal Regulations **omit "or a family day carer"**.
- (6) In regulation 73(3)(a) of the Principal Regulations **omit "or family day carer"**.
- (7) In regulation 73(3)(b) of the Principal Regulations **omit "except in the case of a family day care service,"**.
- (8) For the example at the foot of regulation 73(3) of the Principal Regulations **substitute—**

"Example

Routine outings may include trips taken from a children's service to a library or a park nearby."

61 Additional requirements where child removed by staff member

- (1) In the heading to regulation 74 of the Principal Regulations **omit "or family day carer"**.
- (2) In regulation 74(1) of the Principal Regulations **omit ", other than a family day care service,"**.
- (3) Regulation 74(2) and (3) of the Principal Regulations are **revoked**.
- (4) In regulation 74(4) of the Principal Regulations **omit "or family day carer" (wherever occurring)**.

62 Emergency procedures

- (1) In regulation 76(1) of the Principal Regulations **omit** ", other than a family day care service,".
- (2) Regulation 76(2) of the Principal Regulations is **revoked**.

63 Communication equipment

- (1) In regulation 77(1) of the Principal Regulations **omit** ", other than a family day care service,".
- (2) Regulation 77(2) of the Principal Regulations is **revoked**.

64 Personal hygiene needs of children

Regulation 78(3) and (4) of the Principal Regulations are **revoked**.

65 Water to be available

Regulation 79(2) of the Principal Regulations is **revoked**.

66 Food and beverage requirements

- (1) In regulation 80(1)(a) of the Principal Regulations **omit** "or the family day care service".
- (2) Regulation 80(2) of the Principal Regulations is **revoked**.

67 Food provided by the children's service

- (1) In the heading to regulation 81 of the Principal Regulations **omit** "or family day carer".
- (2) Regulation 81(2) of the Principal Regulations is **revoked**.

68 Smoke-free environment

Regulation 82(2) of the Principal Regulations is **revoked**.

69 Authorisation to administer medication

- (1) In regulation 83(1) of the Principal Regulations, for "sections 29B(1)(a) and 29B(2)(a)" **substitute** "section 29B(1)(a)".
- (2) In regulation 83(2) of the Principal Regulations, for "sections 29B(1)(a) and 29B(2)(a)" **substitute** "section 29B(1)(a)".
- (3) In regulation 83(3) of the Principal Regulations, for "sections 29B(1)(b) and 29B(2)(b)" **substitute** "section 29B(1)(b)".
- (4) In regulation 83(3)(c) of the Principal Regulations, for "except in the case of a family day care service, a family day carer or an outside school hours care service" **substitute** "except in the case of a school holidays care service".

70 First aid kit

- (1) For the heading to regulation 84 of the Principal Regulations **substitute**—
"First aid kit".
- (2) In regulation 84(1), (2) and (3) of the Principal Regulations **omit** ", other than a family day care service,".

71 Regulation 85 revoked

Regulation 85 of the Principal Regulations is **revoked**.

72 Provision of first aid

Regulation 86(3) of the Principal Regulations is **revoked**.

73 Sick or injured child

- (1) In regulation 88(2) and (3) of the Principal Regulations **omit** ", other than a family day care service,".

- (2) Regulation 88(4) and (5) of the Principal Regulations are **revoked**.

74 Notification of infectious disease

- (1) In regulation 89(1) of the Principal Regulations—
- (a) **omit** ", other than a family day care service,";
 - (b) for "Schedule 6 to the Health (Infectious Diseases) Regulations 2001" **substitute** "Schedule 7 to the Public Health and Wellbeing Regulations 2009".
- (2) Regulation 89(2) and (3) of the Principal Regulations are **revoked**.

75 Equipment

Regulation 93(2) of the Principal Regulations is **revoked**.

76 Regulation 94 revoked

Regulation 94 of the Principal Regulations is **revoked**.

77 New regulation 95A inserted

After regulation 95 of the Principal Regulations **insert—**

"95A Children's rooms—approved associated children's services

- (1) An approved provider of an approved associated children's service must provide a children's room at the children's service.
- Penalty: 10 penalty units.
- (2) If children under 3 years of age are being cared for or educated by the approved associated children's service, an approved provider must provide at least 2 children's rooms except in the case of an approved
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associated children's service that is a limited hours service or short term service.

Penalty: 10 penalty units.

- (3) An approved provider of an approved associated children's service must ensure that adequate natural lighting is provided in a children's room, except for a children's room at an approved associated children's service that is a limited hours Type 1 service or a short term Type 2 service.

Penalty: 10 penalty units."

78 Area of children's rooms

After regulation 96(1) of the Principal Regulations
insert—

- "(1A) An approved provider of an approved associated children's service must ensure that the floor area of a children's room at the children's service allows a clear space for each child being cared for or educated in that room of at least 3.25 square metres.

Penalty: 10 penalty units."

79 Outdoor space

- (1) For regulation 97(1) of the Principal Regulations
substitute—

- "(1) A licensee must ensure that outdoor space that meets the requirements of subregulation (1B) is provided at the children's service.

Penalty: 10 penalty units.

- (1A) An approved provider of an approved associated children's service must ensure that outdoor space that meets the requirements of subregulation (1B) is provided at the approved associated children's service.

Penalty: 10 penalty units.

- (1B) For the purposes of this regulation outdoor space must—
- (a) have a useable area of at least 7 square metres for each child who is cared for or educated by the children's service; and
 - (b) include features that enable each child who is cared for or educated by the children's service to explore and experience the natural environment; and
 - (c) include adequate shading to protect children from harmful exposure to the sun."

- (2) For regulation 97(3) of the Principal Regulations **substitute—**

"(3) This regulation does not apply to a children's service or approved associated children's service that is a limited hours service, a short term service or a school holidays care service."

80 Outdoor space—school holidays care services

- (1) For the heading to regulation 98 of the Principal Regulations **substitute—**

"Outdoor space—school holidays care services".

(2) In regulation 98(1) of the Principal Regulations for "an outside school hours care service" **substitute** "a school holidays care service".

(3) After regulation 98(1) **insert**—

"(1A) An approved provider of an approved associated children's service that is a school holidays care service must ensure that the following is provided for each child cared for or educated by the service at or near the service—

- (a) outdoor space with a useable area of at least 7 square metres; or
- (b) indoor playing space with a useable area of at least 7 square metres.

Penalty: 10 penalty units."

(4) In regulation 98(2) of the Principal Regulations after "subregulation (1)(b)" **insert** "and (1A)(b)".

81 Fencing

(1) After regulation 99(1) of the Principal Regulations **insert**—

"(1A) An approved provider of an approved associated children's service must ensure that—

- (a) any outdoor space provided at a children's service is enclosed by a fence or barrier that is at least 1.5 metres high measured from ground level; and
- (b) a child being cared for or educated by the children's service cannot go through, over or under the fence or barrier or any gate or fitting.

Penalty: 10 penalty units."

- (2) In regulation 99(2) of the Principal Regulations for "an outside school hours care service" **substitute** "a school holidays care service".

82 Administration room

At the end of regulation 100 of the Principal Regulations **insert**—

- "(2) An approved provider of an approved associated children's service must provide an administration room or space at the children's service for the purposes of—
- (a) conducting administrative functions of the service; and
 - (b) consulting with parents and guardians of children; and
 - (c) providing facilities for respite for staff members and volunteers.

Penalty: 2 penalty units."

83 Toilet and washing facilities

At the end of regulation 101 of the Principal Regulations **insert**—

- "(2) An approved provider of an approved associated children's service must ensure that—
- (a) adequate and age-appropriate toilet and hand washing facilities are provided for the use of children being cared for or educated by the children's service; and
 - (b) the location and design of the toilet and hand washing facilities enable safe use by the children.

Penalty: 5 penalty units."

84 Nappy changing facilities

At the end of regulation 102 of the Principal Regulations **insert**—

"(2) If children who wear nappies are cared for or educated by an approved associated children's service, the approved provider must ensure that adequate and age-appropriate facilities are provided for changing nappies in a safe and hygienic manner.

Penalty: 8 penalty units."

85 Sleep and rest facilities

(1) In regulation 103(1) of the Principal Regulations, for "an outside school hours care service" **substitute** "a school holidays care service".

(2) After regulation 103(1) of the Principal Regulations **insert**—

"(1A) An approved provider of an approved associated children's service, other than a school holidays care service, must ensure that—

- (a) an adequate number of suitable cots, beds, stretchers or mattresses are provided for the use of children being cared for or educated by the service; and
- (b) an adequate supply of bedding and bed linen is available; and
- (c) all bedding and bed linen is kept clean and maintained in good repair.

Penalty: 8 penalty units."

(3) In regulation 103(2) of the Principal Regulations, for "an outside school hours care service" **substitute** "a school holidays care service".

(4) After regulation 103(2) of the Principal Regulations **insert**—

"(3) An approved provider of an approved associated children's service that is an outside school hours care service must ensure that an adequate rest area is provided for the use of children being cared for or educated by the service."

86 Food preparation facilities

(1) In regulation 104 of the Principal Regulations **omit** "or, in the case of a family day care service, the family day carer".

(2) At the end of regulation 104 of the Principal Regulations **insert**—

"(2) An approved provider of an approved associated children's service must ensure that the following are available to and accessible by the staff members of the children's service—

- (a) facilities to cook or heat food;
- (b) washing up facilities;
- (c) refrigerated food storage facilities.

Penalty: 8 penalty units."

87 Complaints

In regulation 105(1) of the Principal Regulations **omit** "or a family day carer".

88 Act and Regulations to be available

In regulation 106 of the Principal Regulations **omit** "family day carers,".

89 New regulation 126 inserted

After regulation 125 of the Principal Regulations
insert—

"126 Part ceases to apply on 1 January 2012

This Part ceases to apply on 1 January
2012."

90 New Part 10 inserted

After Part 9 of the Principal Regulations **insert—**

**"PART 10—TRANSITIONAL AND SAVING
PROVISIONS—CHILDREN'S SERVICES
AMENDMENT ACT 2011**

127 Definitions

In this Part—

amending regulations means the Children's
Services Amendment Regulations
2011;

commencement day means 1 January 2012;

existing licensed children's service means a
children's service that—

- (a) immediately before the
commencement day, was a
licensed children's service; and
- (b) on the commencement day
continues to be licensed under the
Act.

**128 Transitional provision—existing licensed
children's services providing education
and care during school holidays**

If, immediately before the commencement
day, an existing licensed children's service
was a service that provided education and
care for no more than 4 weeks per calendar

year during school holidays, on and from the commencement day the existing licensed children's service is taken to be—

- (a) a school holidays care service; or
- (b) if the existing licensed children's service is an integrated service, an integrated service that includes a school holidays care service component.

129 Transitional provision with respect to teaching staff members

Regulation 52 as amended by regulation 43 of the amending regulations does not apply until 1 January 2014 in respect of an existing licensed children's service if—

- (a) immediately before 25 May 2009 the service was a licensed children's service; or
 - (b) a licence was issued on or after 25 May 2009 for the service to a person who, immediately before that day—
 - (i) had made an application for approval in principle; or
 - (ii) was granted an approval in principle but had not made an application for a licence to operate the children's service; or
 - (iii) had made an application for a licence to operate a children's service, but that application had not been decided.
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130 Transitional provisions with respect to minimum training—services other than school holidays care services

- (1) Regulation 60 as amended by regulation 46 of the amending regulations does not apply in respect of a staff member of a children's service (other than a school holidays care service) who—
 - (a) on 25 May 2009 was a staff member of a children's service (other than a family day care service or an outside school hours care service) and had been employed—
 - (i) full-time and continuously as a staff member at a licensed children's service for a period of at least 5 years immediately preceding that day; or
 - (ii) at least part-time and continuously as a staff member at a licensed children's service for a period of at least 10 years immediately preceding that day; and
 - (b) before the commencement day completed a professional development course approved by the Secretary under regulation 125, as in force immediately before the commencement day.
- (2) Subject to subregulation (3), regulation 60 as amended by regulation 46 of the amending regulations does not apply until 1 January 2014 in respect of an existing licensed children's service if—
 - (a) immediately before 25 May 2009 the service was a licensed children's service; or

- (b) a licence was issued on or after 25 May 2009 for the service to a person who, immediately before that day—
 - (i) had made an application for approval in principle; or
 - (ii) was granted an approval in principle but had not made an application for a licence to operate the children's service; or
 - (iii) had made an application for a licence to operate a children's service, but that application had not been decided.
- (3) The proprietor of a children's service referred to in subregulation (2) that is a limited hours Type 1 service must ensure that all staff members other than a staff member referred to in subregulation (1) hold a Certificate III in Children's Services.
- (4) In subregulation (2), existing licensed children's service includes a children's service that—
 - (a) immediately before the commencement day, was a licensed children's service; and
 - (b) on the commencement day is included in a service approval as an associated children's service under section 19(2) of the **Education and Care Services National Law Act 2010**.

131 Transitional provisions with respect to minimum training—school holidays care services

- (1) Regulation 60 as amended by regulation 46 of the amending regulations does not apply in respect of a staff member of a school holidays care service who—
- (a) on 25 May 2009 was a staff member of a children's service (other than a family day care service) and had been employed—
 - (i) full-time and continuously as a staff member at a licensed children's service or an outside school hours care service for a period of at least 5 years immediately preceding that day; or
 - (ii) at least part-time and continuously as a staff member at a licensed children's service or an outside school hours care service for a period of at least 10 years immediately preceding that day; and
 - (b) before the commencement day completed a professional development course approved by the Secretary under regulation 125, as in force immediately before the commencement day.
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- (2) Regulation 60 as amended by regulation 46 of the amending regulations does not apply until 1 January 2014 in respect of any other staff member of a school holidays care service.

_____".

91 Referee statement

In clause 5(f)(iii) of Schedule 1 to the Principal Regulations, for "licensee" **substitute** "licensee or approved provider".

92 Proposed accepted nominee declaration

In clause 6(b) of Schedule 1 to the Principal Regulations, for "section 18(b)(iii)" **substitute** "section 18(1)(b)(iii)(A)".

93 School holidays care services

- (1) For the heading to clause 8 of Schedule 1 to the Principal Regulations **substitute**—
"School holidays care services".
- (2) In clause 8 of Schedule 1 to the Principal Regulations, for "an outside school hours care service" (wherever occurring) **substitute** "a school holidays care service".
- (3) In clause 8(e) of Schedule 1 to the Principal Regulations, for "service." **substitute** "service;".
- (4) After clause 8(e) of Schedule 1 to the Principal Regulations **insert**—
"(f) the proposed hours and days of operation of the service."
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94 Additional information for school holidays care services at locations other than registered schools

- (1) In the heading to clause 9 of Schedule 1 to the Principal Regulations, for "**outside school hours care**" **substitute** "**school holidays care**".
- (2) In clause 9 of Schedule 1 to the Principal Regulations for "outside school hours care service" **substitute** "school holidays care service".

95 Additional information for school holidays care services in registered schools

- (1) In the heading to clause 10 of Schedule 1 to the Principal Regulations, for "**outside school hours care**" **substitute** "**school holidays care**".
- (2) In clause 10 of Schedule 1 to the Principal Regulations for "outside school hours care service" **substitute** "school holidays care service".

96 Integrated services

In clause 13(1)(b) of Schedule 1 of the Principal Regulations, for "an outside school hours care service" **substitute** "a school holidays care service".

97 New clause 13A inserted

After clause 13 of Schedule 1 to the Principal Regulations **insert**—

"13A Additional information—education and care service on same premises

If an education and care service operates or is to operate at the premises or proposed premises, the following information is required in addition to the information required under clauses 7, 8, 11, 12 and 13—

- (a) if the education and care service has been granted a service approval, the service approval number;

- (b) if the education and care service does not have a service approval, whether an application has been made for a service approval."

98 Applications for approval of alterations or extensions to premises

- (1) For the heading to clause 14 of Schedule 1 to the Principal Regulations **substitute**—

"Applications for approval of alterations or extensions to premises".

- (2) In clause 14 of Schedule 1 to the Principal Regulations **omit** ", other than a family day care service".

- (3) In clause 14(g) of Schedule 1 to the Principal Regulations—

- (a) in subparagraph (ii)(C), for "an outside school hours care service" **substitute** "a school holidays care service";

- (b) in subparagraph (iii), for "outside school hours care services" **substitute** "school holidays care services";

- (c) in subparagraph (iv), for "an outside school hours care service" **substitute** "a school holidays care service".

- (4) At the end of clause 14 of Schedule 1 to the Principal Regulations **insert**—

- "(2) If an education and care service operates or is to operate at the premises, the following information is required in addition to the information required under subclause (1)—

- (a) if the education and care service has been granted a service approval, the service approval number;
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- (b) if the education and care service does not have a service approval, whether an application has been made for a service approval."

99 Children's services other than integrated services

- (1) In the heading to clause 15 of Schedule 1 to the Principal Regulations **omit "or family day care services"**.

- (2) In clause 15 of Schedule 1 to the Principal Regulations **omit** "or a family day care service".

- (3) After clause 15(b) of Schedule 1 to the Principal Regulations **insert**—

"(ba) if the applicant is an approved provider, the applicant's provider approval number;"

- (4) For clause 15(1)(iii) of Schedule 1 to the Principal Regulations **substitute**—

"(iii) in respect of each nominee (other than a proposed accepted nominee) about whom a declaration is made under section 18(1)(b)(iii)(A) of the Act—

(A) a declaration that the nominee has been determined by the Secretary, within the previous 5 years, to be a fit and proper person; or

(B) evidence that the nominee is a person with management or control of an education and care service operated by an approved provider; or

(C) the information and documents required in Part 11 to demonstrate that the nominee is a fit and proper person;"

(5) After clause 15(m)(i) of Schedule 1 to the Principal Regulations **insert**—

"(ia) evidence that the applicant is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".

(6) After clause 15(n)(i) of Schedule 1 to the Principal Regulations **insert**—

"(ia) evidence that the director or other officer is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".

(7) For the note at the foot of clause 15 of Schedule 1 to the Principal Regulations **substitute**—

"Note

Section 18(1)(b) of the Act requires that an application must be accompanied by the following—

- the name and address of any person nominated by the applicant to manage or control the children's service in the absence of the licensee;
 - either a declaration by the applicant that the person nominated (proposed nominee) is a fit and proper person to manage or control a children's service or evidence that the person nominated is an approved provider or a certified supervisor;
 - if more than one person is nominated, the name of the person who is to have primary responsibility for the management or control of the service in the absence of the licensee;
 - if the applicant is a body corporate, the name and address of any director or officer of the body corporate who may exercise control over the operation of the children's service;
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- if the applicant is a body corporate, the name and address of the person appointed to represent the licensee in relation to the application and the operation of the children's service.

Section 18(2) of the Act requires that an application must be accompanied by the written consent of each proposed nominee and proposed primary nominee."

100 Integrated services

- (1) After clause 16(b) of Schedule 1 to the Principal Regulations **insert**—

"(ba) if the applicant is an approved provider, the applicant's provider approval number;"

- (2) For clause 16(k)(iii) of Schedule 1 to the Principal Regulations **substitute**—

"(iii) in respect of each nominee (other than a proposed accepted nominee) about whom a declaration is made under section 18(1)(b)(iii)(A) of the Act—

(A) a declaration that the nominee has been determined by the Secretary, within the previous 5 years, to be a fit and proper person; or

(B) evidence that the nominee is a person with management or control of an education and care service operated by an approved provider; or

(C) the information and documents required in Part 11 to demonstrate that the nominee is a fit and proper person;"

- (3) After clause 16(l)(i) of Schedule 1 to the Principal Regulations **insert**—

"(ia) evidence that the applicant is an approved provider, a certified supervisor or a person with management or control of an education

and care service operated by an approved provider; or".

(4) After clause 16(m)(i) of Schedule 1 to the Principal Regulations **insert**—

"(ia) evidence that the director or other officer is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".

(5) For the note at the foot of clause 16 of Schedule 1 to the Principal Regulations **substitute**—

"Note

Section 18(1)(b) of the Act requires that an application must be accompanied by the following—

- the name and address of any person nominated by the applicant to manage or control the children's service in the absence of the licensee;
- either a declaration by the applicant that the person nominated (proposed nominee) is a fit and proper person to manage or control a children's service or evidence that the person nominated is an approved provider or a certified supervisor;
- if more than one person is nominated, the name of the person who is to have primary responsibility for the management or control of the service in the absence of the licensee;
- if the applicant is a body corporate, the name and address of any director or officer of the body corporate who may exercise control over the operation of the children's service;
- if the applicant is a body corporate, the name and address of the person appointed to represent the licensee in relation to the application and the operation of the children's service.

Section 18(2) of the Act requires that an application must be accompanied by the written consent of each proposed nominee and proposed primary nominee.".

101 Clause 17 of Schedule 1 revoked

Clause 17 of Schedule 1 to the Principal Regulations is **revoked**.

102 Application for approval of new nominees

(1) For clause 18(f)(iii) of Schedule 1 to the Principal Regulations **substitute**—

"(iii) unless the proposed new nominee is a proposed accepted nominee—

(A) a declaration that the proposed new nominee has been determined by the Secretary, within the previous 5 years, to be a fit and proper person; or

(B) evidence that the proposed new nominee is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or

(C) the information and documents required in Part 11 to demonstrate that the proposed new nominee is a fit and proper person;"

(2) At the end of clause 18 of Schedule 1 to the Principal Regulations **insert**—

"(2) An application for approval of a new nominee must also include the proposed new nominee's written consent to the nomination."

103 Part 5 of Schedule 1 revoked

Part 5 of Schedule 1 to the Principal Regulations is **revoked**.

104 Heading to Division 1 of Part 6 revoked

The heading to Division 1 of Part 6 of Schedule 1 to the Principal Regulations is **revoked**.

105 Renewal of licences

- (1) For the heading to clause 20 of Schedule 1 to the Principal Regulations **substitute**—
"Renewal of licences".
 - (2) In clause 20 of Schedule 1 to the Principal Regulations **omit** ", other than a family day care service".
 - (3) In clause 20(j) of Schedule 1 to the Principal Regulations—
 - (a) for "subparagraph (i), (ii) or (iii)" **substitute** "subparagraph (i), (ii), (iia) or (iii)";
 - (b) subparagraph (ii)(B) is **revoked**;
 - (c) after subparagraph (ii) **insert**—
"(iia) evidence that the applicant is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".
 - (4) In clause 20(k) of Schedule 1 to the Principal Regulations—
 - (a) for "subparagraph (i), (ii) or (iii)" **substitute** "subparagraph (i), (ii), (iia) or (iii)";
 - (b) subparagraph (ii)(B) is **revoked**;
 - (c) after subparagraph (ii) **insert**—
"(iia) evidence that the director or officer is an approved provider, a certified supervisor or a person with management or control of an education
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and care service operated by an approved provider; or".

(5) In clause 20(1) of Schedule 1 to the Principal Regulations—

(a) for "subparagraph (i), (ii) or (iii)" **substitute** "subparagraph (i), (ii), (iia) or (iii)";

(b) subparagraph (ii)(B) is **revoked**;

(c) after subparagraph (ii) **insert**—

"(iia) evidence that the nominee is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".

(6) At the end of clause 20 of Schedule 1 to the Principal Regulations **insert**—

"(2) If an education and care service operates or is to operate at the premises of the children's service, the following information is required in addition to the information required under subclause (1)—

(a) if the education and care service has been granted a service approval, the service approval number;

(b) if the education and care service does not have a service approval, whether an application has been made for a service approval.".

106 Division 2 of Part 6 of Schedule 1 revoked

Division 2 of Part 6 of Schedule 1 to the Principal Regulations is **revoked**.

107 Application to vary or revoke a condition or impose a new condition on a licence

At the end of clause 22 of Schedule 1 to the Principal Regulations **insert**—

- "(2) If an education and care service operates or is to operate at the premises of the children's service, the following information is required in addition to the information required under subclause (1)—
- (a) if the education and care service has been granted a service approval, the service approval number;
 - (b) if the education and care service does not have a service approval, whether an application has been made for a service approval."

108 Application to vary period of licence

(1) In clause 23(h) of Schedule 1 to the Principal Regulations—

- (a) for "subparagraph (i), (ii) or (iii)" **substitute** "subparagraph (i), (ii), (ia) or (iii)";
- (b) subparagraph (ii)(B) is **revoked**;
- (c) after subparagraph (ii) **insert**—

"(ia) evidence that the applicant is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or"

-
- (2) In clause 23(i) of Schedule 1 to the Principal Regulations—
- (a) for "subparagraph (i), (ii) or (iii)" **substitute** "subparagraph (i), (ii), (iia) or (iii)";
 - (b) subparagraph (ii)(B) is **revoked**;
 - (c) after subparagraph (ii) **insert**—
 - "(iia) evidence that the director or officer is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".
- (3) In clause 23(j) of Schedule 1 to the Principal Regulations—
- (a) for "subparagraph (i), (ii) or (iii)" **substitute** "subparagraph (i), (ii), (iia) or (iii)";
 - (b) subparagraph (ii)(B) is **revoked**;
 - (c) after subparagraph (ii) **insert**—
 - "(iia) evidence that the nominee is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or".

109 Part 10 of Schedule 1 revoked

Part 10 of Schedule 1 to the Principal Regulations is **revoked**.

110 New Parts 12 to 14 of Schedule 1 inserted

After Part 11 of Schedule 1 to the Principal Regulations **insert—**

**"PART 12—APPLICATION FOR APPROVAL
OF NEW NOMINEES FOR APPROVED
ASSOCIATED CHILDREN'S SERVICES**

**32 Application for approval of new nominees
and primary nominees**

- (1) The following information is required for an application for approval of a new nominee or primary nominee for an approved associated children's service—
 - (a) the number of the service approval including the approved associated children's service;
 - (b) the full name and postal address of the approved provider, and the provider approval number;
 - (c) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
 - (d) the approved associated children's service's name, street address (including number), municipal district, postal address, telephone and facsimile numbers and email address;
 - (e) the following information regarding each proposed new nominee or primary nominee—
 - (i) full name, former name (if any), date of birth and postal address;

-
- (ii) an identity statement;
 - (iii) either—
 - (A) a declaration that the proposed nominee has been determined by the Secretary, within the previous 5 years, to be a fit and proper person; or
 - (B) evidence that the proposed nominee is an approved provider, a certified supervisor or a person with management or control of an education and care service operated by an approved provider; or
 - (C) the information and documents required in Part 11 to demonstrate that the proposed nominee is a fit and proper person;
 - (iv) a declaration by the applicant that the person nominated is a fit and proper person to manage or control a children's service;
 - (v) a statement indicating whether the proposed nominee is to have primary responsibility for the management or control of the service in the absence of the approved provider.
- (2) An application for approval of a new nominee must also include the proposed new nominee's written consent to the nomination.
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**PART 13—APPLICATION FOR VOLUNTARY
SUSPENSION OF SERVICE APPROVAL FOR
APPROVED ASSOCIATED CHILDREN'S
SERVICE**

**33 Application for voluntary suspension of
service approval for approved associated
children's service**

The following information is required for an application for the voluntary suspension of a service approval to the extent that it relates to an approved associated children's service—

- (a) the number of the service approval including the approved associated children's service;
- (b) the full name and postal address of the approved provider, and the provider approval number;
- (c) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
- (d) the approved associated children's service's name, street address (including number), municipal district, postal address, telephone and facsimile numbers and email address;
- (e) the period of suspension sought, including the proposed starting and ending dates of the suspension period;

-
- (f) one of the following declarations and, if applicable, any evidence supporting that declaration—
- (i) that the approved associated children's service is located in a rural or remote area and the number of children enrolled at the service is such that it would not be viable to operate the service during the proposed period of suspension; or
 - (ii) that the premises at which the service operates will be undergoing building works or renovations during the proposed period of suspension;
- (g) a statement that the approved provider intends to resume the operation of the children's service at the end of the period of suspension;
- (h) a statement indicating whether the services offered by the approved associated children's service will be different on resumption of the operation;
- (i) a statement indicating the process the approved provider proposes to undertake to notify the parents or guardians of children who are cared for or educated by the approved associated children's service of the suspension of the service approval.
-

**PART 14—APPLICATION FOR
CANCELLATION OF SERVICE APPROVAL
FOR APPROVED ASSOCIATED CHILDREN'S
SERVICES**

34 Application for cancellation of service approval for approved associated children's service at request of approved provider

The following information is required for a request by an approved provider to cancel a service approval to the extent that it relates to an approved associated children's service—

- (a) the number of the service approval including the approved associated children's service;
 - (b) the full name and postal address of the approved provider, and the provider approval number;
 - (c) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
 - (d) the approved associated children's service's name, street address (including number), municipal district, postal address, telephone and facsimile numbers and email address;
 - (e) the date on which the applicant requests the cancellation of the service approval to become effective;
 - (f) a statement indicating the reasons for requesting a cancellation of the service approval and, if applicable, any evidence supporting those reasons;
-

- (g) a statement indicating the process the approved provider proposes to undertake to notify the parents or guardians of children who are cared for or educated by the approved associated children's service of the application to cancel the service approval.

_____".

111 Fees for applications for approval of premises proposed to be used or constructed for use in operating a children's service

- (1) In heading 1 in Schedule 2 to the Principal Regulations **omit** ", **other than a family day care service**".
- (2) For the second table under heading 1 in Schedule 2 to the Principal Regulations **substitute**—

"

<i>No. of Places</i>	<i>Limited Hours</i>	<i>Short Term</i>
	<i>(Types 1 and 2)</i>	<i>(Types 1 and 2)</i>
	<i>Fee</i>	<i>Fee</i>
Up to and including 15 places	15.0 fee units	8.0 fee units
16 to 30 places	15.0 fee units	8.0 fee units
31 to 60 places	15.0 fee units	8.0 fee units
61 to 120 places	15.0 fee units	8.0 fee units
121 or more places	15.0 fee units	8.0 fee units

".

- (3) In the fourth table under heading 1 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Service (Type 2)*" **substitute** "*School Holidays Care Service*".

112 Fees for applications for approval of alterations or extensions to premises

- (1) For heading 2 in Schedule 2 to the Principal Regulations **substitute**—

"Fees for applications for approval of alterations or extensions to premises".

- (2) For the second table under heading 2 in Schedule 2 to the Principal Regulations **substitute**—

"

<i>No. of Places</i>	<i>Limited Hours</i>	<i>Short Term</i>
	<i>(Types 1 and 2)</i>	<i>(Types 1 and 2)</i>
	<i>Fee</i>	<i>Fee</i>
Up to and including 15 places	5·0 fee units	5·0 fee units
16 to 30 places	5·0 fee units	5·0 fee units
31 to 60 places	11·0 fee units	5·0 fee units
61 to 120 places	14·0 fee units	7·0 fee units
121 or more places	14·0 fee units	7·0 fee units

".

- (3) In the fourth table under heading 2 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Service (Type 2)*" **substitute** "*School Holidays Care Service*".

113 Fees for applications for licence to operate a children's service

- (1) For heading 3 in Schedule 2 to the Principal Regulations **substitute**—

"Fees for applications for licence to operate a children's service".

- (2) The third table under heading 3 in Schedule 2 to the Principal Regulations is **revoked**.

- (3) In the fourth table under heading 3 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Licence (Type 2)*" **substitute** "*School Holidays Care Licence*".

114 Heading 4 and table under heading 4 revoked

In Schedule 2 to the Principal Regulations, heading 4 and the table under heading 4 are **revoked**.

115 Fees for applications for renewal of licence to operate a children's service

- (1) The third and sixth tables under heading 5 in Schedule 2 to the Principal Regulations are **revoked**.
- (2) In the fourth table under heading 5 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Licence (Type 2)*" **substitute** "*School Holidays Care Licence*".

116 Fees for late application for renewal of licence to operate children's service

- (1) For the second table under heading 6 in Schedule 2 to the Principal Regulations **substitute**—

"

<i>Limited Hours Licence (Types 1 and 2)</i>	
<i>No. of Places</i>	<i>Fee</i>
Up to and including 15 places	5·0 fee units
16 to 30 places	5·0 fee units
31 to 60 places	5·0 fee units
61 to 120 places	8·0 fee units
121 or more places	10·0 fee units

".

- (2) In the third table under heading 6 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Licence (Type 2)*" **substitute** "*School Holidays Care Licence*".
- (3) The fifth table under heading 6 in Schedule 2 to the Principal Regulations is **revoked**.

117 Fees for applications to vary or revoke a condition or restriction or to impose a condition or restriction on a licence

- (1) For the second table under heading 7 in Schedule 2 to the Principal Regulations **substitute**—

"

<i>Limited Hours Licence (Types 1 and 2)</i>	
<i>No. of Places</i>	<i>Fee</i>
Up to and including 15 places	Nil
16 to 30 places	5.0 fee units
31 to 60 places	5.0 fee units
61 to 120 places	5.0 fee units
121 or more places	5.0 fee units

"

- (2) In the fourth table under heading 7 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Licence (Type 2)*" **substitute** "*School Holidays Care Licence*".
- (3) The fifth table under heading 7 in Schedule 2 to the Principal Regulations is **revoked**.

118 Fees for application to vary period of a licence

- (1) The third and sixth tables under heading 8 in Schedule 2 to the Principal Regulations are **revoked**.

-
- (2) In the fourth table under heading 8 in Schedule 2 to the Principal Regulations, for "*Outside School Hours Care Licence (Type 2)*" **substitute** "*School Holidays Care Licence*".

119 Prescribed matters

- (1) For clause 1(a) of Schedule 3 to the Principal Regulations **substitute**—
- "(a) the procedures for the training of staff, to comply with, at a minimum, regulation 63; and".
- (2) For clause 1(b) of Schedule 3 to the Principal Regulations **substitute**—
- "(b) the practices and procedures to ensure compliance with regulations 34(b), 34(f), 38(2)(d), 38(2)(e), 40(1)(k), 43, 65, 67, 74(4)(d) and 83(3); and".

120 Risk minimisation plan

- (1) In clause 3(e) of Schedule 3 to the Principal Regulations, for "visiting early childhood intervention staff member" **substitute** "early childhood intervention worker".
- (2) In clause 3(f) of Schedule 3 to the Principal Regulations, for "visiting early childhood intervention staff member, volunteer, and family day carer" **substitute** "early childhood intervention worker and volunteer".
- (3) In clause 3(g) of Schedule 3 to the Principal Regulations **omit** "or family day care residence or venue".

121 Communication plan

- (1) In clause 4(a) of Schedule 3 to the Principal Regulations, for "visiting early childhood intervention staff members, volunteers, family day carers," **substitute** "early childhood intervention workers, volunteers,".
- (2) In clause 4(b) of Schedule 3 to the Principal Regulations **omit** "and, in the case of a family day care service, with the family day carer caring for or educating the child,".
- (3) In clause 4(c) of Schedule 3 to the Principal Regulations for "visiting early childhood intervention staff members and volunteers, and, in the case of a family day care service, the family day carer," **substitute** "early childhood intervention workers and volunteers".

122 Schedule 4 revoked

Schedule 4 to the Principal Regulations is **revoked**.

ENDNOTES

¹ Reg. 4: S.R. No. 53/2009. Subsequently amended by S.R. No. 96/2010.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2011 is \$12.22. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2011 is \$122.14.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.