

# NORTHERN TERRITORY OF AUSTRALIA

## CARE AND PROTECTION OF CHILDREN (CHILDREN'S SERVICES) REGULATIONS

As in force at 9 June 2009

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 9 June 2009. Any amendments that commence after that date are not included.

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## CARE AND PROTECTION OF CHILDREN (CHILDREN'S SERVICES) REGULATIONS

### Regulations under the *Care and Protection of Children Act*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Care and Protection of Children (Children's Services) Regulations*.

##### 2 Commencement

These Regulations commence on the commencement of Chapter 4 of the Act.

##### 3 Interpretation

(1) In these Regulations:

***additional condition*** means a condition in Schedule 5 stated to be an additional condition.

***applicant*** means an applicant for a licence or action plan agreement.

***architect***, see section 4 of the *Architects Act*.

***attendance record***, see Schedule 5, clause 78.

***Australian Standards*** means the standards recommended or adopted by Standards Australia International Limited.

***Building Code*** means the Building Code of Australia published by the Australian Building Codes Board, as in force from time to time.

***building practitioner***, see section 4 of the *Building Act*.

**care group** means a group of children cared for together at a service.

**carer** means:

- (a) an individual over 16 years of age who cares for children for a service provider, whether or not the individual is the operator of the service, but does not include a volunteer; and
- (b) for Schedule 5, means a carer for a service provided under the licence or registration to which Schedule 5 applies.

**child**, for Schedule 5, means a child for whom a service is provided under the licence or registration to which Schedule 5 applies.

**child health record** means a record that documents a child's health and development assessments and immunisations.

**children's room** means a room used only for the care of children.

**core condition** means a condition in Schedule 5 stated to be a core condition.

**death, injury and illness record**, see Schedule 5, clause 79.

**decision maker**, for a registration, means the decision maker for the registration under section 247(1) of the Act.

**enrolment record**, see Schedule 5, clause 77.

**Fire and Rescue Service** means the Northern Territory Fire and Rescue Service established under section 5 of the *Fire and Emergency Act*.

**identity document**, for a person, means a certified copy of:

- (a) the identity page of a current Australian or overseas passport of the person; or
- (b) the person's current Australian photographic driver's licence; or
- (c) other documentation the CEO considers to be satisfactory evidence of the person's identity.

**medical management plan**, see Schedule 5, clause 50.

**nominee**, for a service, means the person with primary responsibility for the management of the service.

**operating plan**, see Schedule 1, clause 9.

**operator** means the operator of a service.

**outside school hours care service** means a service provided to care for school aged children outside school hours and on days children are not required to attend school.

**parent**, for Schedule 5, means a parent of a child for whom a service is provided under the licence or registration to which Schedule 5 applies.

**person in charge**, of a service, means the person responsible for the day to day operation of the service.

**premises** means the premises at which services are provided or proposed to be provided, including any outdoor areas.

**qualified carer**, see subregulation (2).

**registered person** means a person registered under section 247 of the Act.

**relevant person**, for an application for a licence or action plan agreement, means the following:

- (a) if:
  - (i) the applicant is an individual – the applicant; or
  - (ii) if the applicant is not an individual – the following:
    - (A) for a corporation as defined in the Corporations Act 2001 – an officer of the corporation as defined in that Act;
    - (B) for any other body corporate – anyone (however described) who takes part in the management of the body corporate;
    - (C) for any unincorporated body or association – a member of the committee of management (however described) of the body or association;
    - (D) for a partnership – a partner in the partnership;
- (b) the nominee for the service to be provided under the licence or agreement.

**responsible person**, see Schedule 5, clause 77.



***school aged child*** means a child who:

- (a) is enrolled at a school; and
- (b) is attending a school or will attend a school from the beginning of the next school year at transition level or above.

***service*** means:

- (a) a children's service; and
- (b) for Schedule 5 – a service provided under the licence or registration to which Schedule 5 applies.

***service provider*** means the person who provides a service.

***soil assessment*** means an analysis of soil conducted by an environmental consultant or environmental auditor to determine:

- (a) the nature, extent and levels of any soil contamination; and
- (b) the actual or potential risk to human health resulting from the contamination.

***staff member***, of a service provider, means a person (other than a volunteer) who:

- (a) is a carer for the service provider; or
- (b) performs duties for the service provider other than the care of children.

***standard service*** means a service provided to care for children under school age, other than a home-based service.

***venue management plan***, see Schedule 1, clause 10.

***volunteer*** means a person who performs duties for a service provider for no reward or remuneration.

(2) A ***qualified carer*** is a carer who holds:

- (a) for a service other than an outside school hours care service:
  - (i) a 2 year post-secondary qualification in children's services; or
  - (ii) a 3 year tertiary qualification in early childhood care or education; or

- (iii) a qualification the CEO is satisfied is equivalent to, or higher than, a qualification mentioned in subparagraphs (i) and (ii); or
- (b) for an outside school hours care service:
  - (i) a post-secondary sports and recreation or teaching qualification; or
  - (ii) a qualification the CEO is satisfied is equivalent to, or higher than, a qualification mentioned in subparagraph (i).

#### **4 Children provided with service**

- (1) If the operator, a staff member or volunteer for a service provider is the parent of a child present at the premises (or on an excursion from the premises) while the service is being provided, the child is taken to be a child being provided with the service.
- (2) Subregulation (1) applies whether or not the child is enrolled with the service provider.

## **Part 2 Services provided under licence**

### **5 Advertising intention to provide services**

For section 230(1) of the Act, a person must advertise the person's intention to provide services requiring a licence by publishing the advertisement:

- (a) in the approved form; and
- (b) in a newspaper circulating in the area in which the services are intended to be provided; and
- (c) at least 14 days before the person applies for a licence to provide the services.

### **6 Minimum age of applicant**

If an applicant for a licence is an individual, the applicant must be at least 21 years of age.

### **7 Information to be included in licence application**

- (1) For section 230(2) of the Act, the following information must be given with an application for a licence to provide services:
  - (a) the information specified in Schedule 1;

- (b) for each relevant person – the information specified in Schedule 2.
- (2) The following information must be given with an application for renewal of a licence:
  - (a) the information specified in Schedule 1, Part 1;
  - (b) for each relevant person – the information specified in Schedule 2, clauses 1 to 4.

## **8 Change of circumstances**

For section 239 of the Act, a licence holder must:

- (a) notify the CEO of a proposed or unforeseen change of circumstances specified in Schedule 3, column 1; and
- (b) provide the information about the change specified opposite in column 2.

## **9 Prescribed conditions of licence**

For section 232(1)(a) of the Act, the prescribed conditions for a licence are all the core conditions and all the additional conditions specified in Schedule 5, except for the following conditions:

- (a) a condition these Regulations state does not apply to the type of service provided under the licence;
- (b) a condition from which the licence holder is exempted from compliance by these Regulations.

## **10 Variation of licence condition**

For section 232(4) of the Act, an application for a variation of a licence condition must include the information specified in Schedule 4.

# **Part 3 Services provided under registration**

## **11 Conditions of registration**

- (1) For section 247(5)(a) of the Act, the conditions for registration are:
  - (a) all the core conditions specified in Schedule 5; and
  - (b) any of the additional conditions specified in Schedule 5 that are specified by the decision maker for the registration.

- (2) However, the conditions mentioned in subregulation (1) do not apply to a registered person who is the operator of a home-based service provided for a home-based services scheme.

*Note for subregulation (2)*

*The coordinator of the home-based services scheme must hold a licence because of sections 226 and 228 of the Act. The coordinator must therefore comply with all the core conditions and all the additional conditions specified in Schedule 5.*

## **12 Revocation of registration**

- (1) This regulation applies if the decision maker for a registration reasonably believes:
- (a) a registered person or the nominee for a service provided under the registration is no longer a fit and proper person to operate the service provided under the registration; or
  - (b) a registered person has contravened a condition for the registration; or
  - (c) the continued operation of a service provided under the registration constitutes an unacceptable risk to the safety, welfare or wellbeing of a child for whom the service is provided.
- (2) The decision maker may issue a notice to the registered person stating:
- (a) the decision maker proposes to revoke the registration; and
  - (b) the reason for the proposed revocation; and
  - (c) that the person may give a statement to the decision maker, within a reasonable time specified in the notice, explaining why the registration should not be revoked.
- (3) On or after issuing the notice, the decision maker may suspend the registration if the decision maker considers it necessary to do so to prevent harm to a child for whom services are provided under the registration.
- (4) After considering a statement given by the registered person under subregulation (2)(c), the decision maker may:
- (a) if the registration is suspended – reinstate the registration; or
  - (b) revoke the registration.

- (5) The decision maker may also suspend or revoke a registration if the registered person requests the suspension or revocation.
- (6) If a registration is suspended or revoked, the registered person must ensure a notice is prominently displayed at the premises stating the registration has been suspended or revoked.

### **13 Maximum number of children for home-based services**

- (1) The maximum number of children for whom home-based services may be provided by an operator is 7, of which no more than 2 children may be under 3 years of age.
- (2) The decision maker for the registration of a person to provide services other than home-based services may specify the maximum number of children for whom the services may be provided as a condition for the registration.

## **Part 4 Action plan agreements**

### **14 Application for action plan agreement**

For section 243(2) of the Act, an application for an action plan agreement must include:

- (a) the information specified in Schedule 1, as if the application were for a licence, except for the information specified in clause 9 and Part 3; and
- (b) for each relevant person – the information specified in Schedule 2.

### **15 Termination of agreement**

- (1) This regulation applies if the CEO reasonably believes:
  - (a) a party to an action plan agreement or the nominee for a service provided under the agreement is no longer a fit and proper person to operate the service provided under the agreement; or
  - (b) a party to an action plan agreement has contravened a condition of the agreement; or
  - (c) the continued operation of a service provided under an action plan agreement constitutes an unacceptable risk to the safety, welfare or wellbeing of a child for whom the service is provided.

- (2) The CEO may issue a notice to each party to the agreement stating:
  - (a) that the CEO proposes to terminate the agreement; and
  - (b) the reason for the proposed termination; and
  - (c) that a party may give a statement to the CEO, within a reasonable time specified in the notice, explaining why the agreement should not be terminated.
- (3) After considering a statement given by a party under subregulation (2)(c), the CEO may terminate the agreement.
- (4) The CEO may also terminate an agreement if all parties to the agreement request the termination.
- (5) If an agreement is terminated, the parties to the agreement must ensure a notice is prominently displayed at the premises stating the agreement has been terminated.
- (6) In this regulation:  
**party**, to an agreement, does not include the CEO.

## **Part 5                      Registers**

### **16                      Registers to be kept by CEO**

The CEO must keep the following registers:

- (a) a register of licences including the following information for each licence:
  - (i) the name of the licence holder;
  - (ii) the licence number;
  - (iii) the name, address and hours of operation of each service provided under the licence;
  - (iv) the type of service provided under the licence;
  - (v) the name of the nominee for each service provided under the licence;
  - (vi) the date the licence was granted or last renewed and the date it expires;

- (vii) for each service provided under the licence – the maximum number of children for whom the service may be provided;
  - (viii) for each clearance notice given as part of the licence application:
    - (A) the date the notice was read by the CEO or the CEO's delegate; and
    - (B) the reference number of the notice; and
    - (C) the expiry date of the notice;
- (b) a register of registered persons including the following information for each person:
  - (i) the person's name, address and date of birth;
  - (ii) the name, address and hours of operation of the service provided under the registration;
  - (iii) for a home-based service – the name and date of birth of each person, other than the registered person, who ordinarily resides at the premises;
  - (iv) for each clearance notice given as part of the application for registration:
    - (A) the date the notice was read by the decision maker for the registration; and
    - (B) the reference number of the notice; and
    - (C) the expiry date of the notice;
- (c) a register of action plan agreements including the following information for each agreement:
  - (i) the name, address and hours of operation of the service provided under the agreement;
  - (ii) the type of service provided under the agreement;
  - (iii) the date of the agreement;
  - (iv) the name and address of each party to the agreement;
  - (v) details of the qualifications of each staff member of the service provided under the agreement;

- (vi) details of the actions agreed, the resources required to carry out the actions and the person responsible for providing the resources;
- (vii) the review and expiry date of the agreement;
- (viii) for each clearance notice given as part of the application for the agreement:
  - (A) the date the notice was read by the CEO or the CEO's delegate; and
  - (B) the reference number of the notice; and
  - (C) the expiry date of the notice.

## **Part 6                      Transitional matters for Chapter 4 of Act**

### **17                      Definition**

In this Part:

***Welfare Act*** means the *Community Welfare Act* as in force immediately before the commencement of section 311 of the *Care and Protection of Children Act*.

### **18                      Purpose**

The purpose of this Part is to make provision about matters, for which the Act does not make provision or sufficient provision, to facilitate the licensing and registration of persons providing children's services to achieve the transition from the operation of the Welfare Act to this Act.

### **19                      Persons providing services requiring registration**

- (1) This regulation applies to a person:
  - (a) mentioned in section 227(2) of the Act providing services mentioned in section 227(1) of the Act; and
  - (b) who was not required to hold a licence to provide the services under the Welfare Act.
- (2) The person may provide the services without being registered until 31 December 2011.



**20 Persons providing outside school hours care services**

- (1) This regulation applies to a person:
  - (a) providing outside school hours care services; and
  - (b) who was not required to hold a licence to provide the services under the Welfare Act.
- (2) The person may provide the services without a licence until 31 December 2013.

**21 Coordinator of home-based services**

- (1) This regulation applies to a person who:
  - (a) is a coordinator of home-based services provided for a home-based services scheme; and
  - (b) was not required to hold a licence to provide the services under the Welfare Act.
- (2) The person may provide the services without a licence until 31 March 2011.

**22 Licence renewed during transitional period**

- (1) This regulation applies if a licence was renewed under section 326 of the Act during the transitional period.
- (2) On the date these Regulations commence, the CEO must issue a replacement licence to the licence holder.
- (3) The replacement licence is taken to be a licence granted under Chapter 4, Part 4.3 of the Act.
- (4) However, the licence:
  - (a) is subject to the conditions of the licence as renewed under section 326 of the Act; and
  - (b) has effect for 3 years from the date of renewal under section 326 of the Act.

## **Schedule 1      Licence application**

regulation 7(1)(a)

### **Part 1              Information about applicant**

- 1      The full name and postal address of:
  - (a)   the applicant; and
  - (b)   the nominee for the service.
- 2      If the applicant is a body corporate, information about its status, principal place of business, directors, company officers and principal office holders, which, if the information is kept by ASIC on a register, must be in the form of a current extract from the register.
- 3      A statement about the applicant's financial capacity to operate the service, including:
  - (a)   if the applicant is an individual – whether or not the applicant is or has been declared bankrupt or insolvent; or
  - (b)   if the applicant is a body corporate – a declaration signed by a director or principal office holder of the body corporate about the ability of the body corporate to meet its debts.
- 4      If the applicant has an ABN, a certified copy of the applicant's notice of registration issued under the *A New Tax System (Australian Business Number) Act 1999* (Cth).
- 5      The name, postal address, email address, telephone number and facsimile number of the contact person for the application.
- 6      A certified copy of the certificate of public liability insurance in force for the service.

### **Part 2              Information about service**

#### **Division 1          General information**

- 7      The name of the service and the street address (including number), postal address, and, if available, email address, telephone number and facsimile number of the service.
- 8      The person in charge of the service.

- 
- 9            The plan for operating the service (the ***operating plan***), including the details specified in Division 2.
- 10          For an outside school hours care service – the plan for managing the venue of the service (the ***venue management plan***) including the details specified in Division 3.

## **Division 2            Matters to be included in operating plan**

- 11          The following details about the service:
- (a)    the philosophy;
  - (b)    the management structure;
  - (c)    the maximum number and ages of children for whom the service will be provided at any time;
  - (d)    the hours of operation;
  - (e)    how children will be placed in care groups (for example, by age) and the size of the care groups;
  - (f)    admission requirements and enrolment procedures for children;
  - (g)    procedures for the payment of fees;
  - (h)    the policy governing interaction between carers and children.
- 12          Details about how the service will provide, and continuously improve in providing, a safe environment for children.
- 13          The following details about the curriculum:
- (a)    the degree and nature of parent participation in curriculum development;
  - (b)    how the individual special and developmental needs of children will be addressed;
  - (c)    how the curriculum will be relevant to the cultural backgrounds of children;
  - (d)    how the curriculum will encourage independence and self-esteem in children;
  - (e)    behaviour management methodologies to be used;
  - (f)    how gender equity will be incorporated into the curriculum;

- (g) the nature and frequency of excursions from the premises.
- 14      The following details about the operation of the service:
- (a) how the service will communicate with parents;
  - (b) how the service will manage the arrival and departure of children;
  - (c) how the service will manage complaints of parents;
  - (d) how the service will manage record keeping;
  - (e) how the service will maintain confidentiality of information about children.
- 15      The following details about the staffing of the service:
- (a) recruitment policies and procedures;
  - (b) the professional development strategy for carers;
  - (c) professional and ethical conduct standards for carers and other staff members;
  - (d) occupational health and safety management systems and standards;
  - (e) staff grievance and conflict resolution policies and procedures;
  - (f) disciplinary and dismissal policies and procedures.
- 16      The following details about ensuring the health and safety of children:
- (a) policies and procedures for excluding children from the service for health and safety reasons;
  - (b) illness, accident and emergency treatment policies and procedures;
  - (c) policies and procedures for the administration of medication to children;

- (d) policies and procedures for preventing and controlling infectious diseases, which must:
    - (i) be consistent with the *Public Health Act* and the *Notifiable Diseases Act* and the publication entitled "Staying Healthy in Child Care", published by the National Health and Medical Research Council, as revised from time to time; and
    - (ii) outline the procedure to be carried out in the event of an outbreak of an infectious disease at the service; and
    - (iii) outline the exclusion practices and conditions for return to care for children who:
      - (A) are diagnosed with an infectious disease; or
      - (B) have been exposed to an infectious disease; or
      - (C) are not immunised against an infectious disease;
  - (e) how the service will ensure water safety and sun protection;
  - (f) how the service will store dangerous substances and dangerous equipment.
- 17      The following details about the supply of food and beverages to children:
- (a) menu planning policies, including provision for special diets;
  - (b) meal times;
  - (c) food handling policies and procedures;
  - (d) how parents will be consulted about the supply of food and beverages.

### **Division 3            Matters to be included in venue management plan**

- 18      A list of all the facilities, buildings and outdoor areas to be used by the service, whether or not the facilities, buildings or outdoor areas are located at a single place.
- 19      Details of any risks resulting directly from the use of those facilities, buildings and outdoor areas in providing the service and how those risks will be managed.
- 20      Details of how the maintenance and security of the facilities, buildings and outdoor areas are managed.

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### **Part 3                      Information about premises**

- 21            This Part does not apply to an application for a licence to provide outside school hours care services.
- 22            A site plan for the premises drawn by a building practitioner or architect, including the following:
- (a)    a diagram of the indoor and outdoor spaces to be used by the service (including any varying configurations of those spaces that might be used from time to time);
  - (b)    a detailed floor plan containing room numbers for all children's rooms and numbered outdoor spaces for all outdoor space to be used by the service (if that information is not provided in the diagram given under paragraph (a));
  - (c)    calculations of the floor area of children's rooms and outdoor space;
  - (d)    the elevation plans of the premises.
- 23            A soil assessment, if:
- (a)    earthworks or excavations exceeding a depth of 1 metre will be carried out at the site; and
  - (b)    the earthworks or excavations will be carried out in an area to be used for children's outdoor play; and
  - (c)    either of the following applies:
    - (i)    a soil assessment has not previously been carried out at the site;
    - (ii)   a soil assessment has previously been carried out at the site but the assessment report cannot be given to the CEO.
- 24            If the premises have not been completed, a copy of the following for the premises:
- (a)    if required under the *Planning Act* – a development permit under that Act;
  - (b)    if required under the *Building Act* – a building permit under that Act.
- 25            If required under the *Building Act*, a copy of the occupancy permit for the premises.

- 
- 26      The date the premises will be ready for inspection by the Department.
- 27      Proof, to the satisfaction of the CEO, of the operator's right to occupy the premises of the service for the purpose of providing the service.

## **Schedule 2 Determination of fit and proper person**

regulation 7(1)(b)

- 1 An identity document for the person.
- 2 A declaration made within 6 months before the date of the application stating:
  - (a) whether, in Australia or another place, the person has been charged with an offence (other than a parking offence) and:
    - (i) found guilty; or
    - (ii) the charge has not been tried or determined; and
  - (b) the details of any charges or findings of guilt mentioned in paragraph (a).
- 3 A declaration made by the person indicating whether the person has suffered or currently suffers from any mental or physical condition that may impair the person's ability to operate, manage or control a service.
- 4 A clearance notice that is in force for the person.
- 5 The names, postal addresses and telephone numbers of 2 persons who are able to make a referee statement about the person.
- 6 A summary of the person's experience, and evidence of the person's qualifications, relevant to operating a service.



## Schedule 3 Change of circumstances

regulation 8

Column 1	Column 2
Change in circumstances	Information to be provided to CEO
Change of nominee for the service	The information about the new nominee that would be provided for a licence application
Change of person in charge of the service	The name of the new person in charge
Change to the matters included in the operating plan of the service mentioned in Schedule 1, clauses 11 to 14	Details of the change
Change to the premises	Details of the change
The licence holder is found guilty of an offence (other than a parking offence), whether in Australia or another place	A full description of the offence, the date the offence was committed, the date of the finding of guilt and the penalty imposed on the licence holder
The licence holder is declared bankrupt or insolvent	Full details of the anticipated effect of the bankruptcy on the provision of services under the licence

## **Schedule 4      Application for variation of licence condition**

regulation 10

- 1            The licence number of the service.
- 2            The full name and postal address of the licence holder.
- 3            The name, street address (including number), postal address, email address, telephone number and facsimile number of the service.
- 4            The conditions the licence holder proposes to vary and a description of the proposed variation.
- 5            A statement indicating the reasons for each variation.
- 6            Either of the following:
  - (a)    a declaration that there have been no material changes relating to the design or location of the premises where the service will operate since the licence was issued or last renewed;
  - (b)    if changes have been made – the details of the changes.

## **Schedule 5 Conditions of licence or registration**

regulations 9 and 11

### **Part 1 Basic operating requirements**

#### **Division 1 Core conditions – basic operating requirements**

##### **1 Core conditions**

The conditions in this Division are core conditions.

##### **2 Operation in accordance with Act**

The service must be provided in accordance with:

- (a) the Act; and
- (b) any other law that applies to the operation of the service, including laws relating to the premises.

##### **3 Maximum number of children**

- (1) This condition applies only to a home-based service.
- (2) The maximum number of children for whom the service may be provided at any time must not exceed the maximum number specified by or under regulation 13.

*Note for clause 3*

*Under section 232(1)(b) of the Act, conditions may be specified in a licence. The maximum number of children for whom a service may be provided may be specified as a condition in the licence.*

#### **Division 2 Additional conditions – basic operating requirements**

##### **4 Additional conditions**

The conditions in this Division are additional conditions.

##### **5 Operating plan**

The service must be provided in accordance with the operating plan for the service.

**6 Venue management plan**

- (1) This condition applies only to an outside school hours care service.
- (2) The service must be provided in accordance with the venue management plan for the service.

**Part 2 Staffing of service**

**7 Core conditions**

The conditions in this Part are core conditions.

**8 Knowledge of carers**

- (1) Each carer must have adequate knowledge to care for the children.
- (2) Each carer must be aware of, and understand, the carer's obligations under the Act.

**9 Carer access to information**

Each carer must have access to relevant and current information on child health, safety and development.

**10 First aid training**

Each staff member must successfully complete first aid training in the following at least once every 3 years:

- (a) emergency life support and cardiopulmonary resuscitation;
- (b) convulsions;
- (c) poisoning;
- (d) respiratory difficulties;
- (e) management of severe bleeding;
- (f) injury and basic wound care for children.

**11 Continuity of care**

The service must be staffed in a way that will maximise continuity of care for children.

**12 Minimum number of carers – standard service**

- (1) This condition applies only to a standard service.

- (2) The minimum ratio of carers to children being provided with the service is as follows:
  - (a) for a care group comprising only children under 3 years of age – 1:5;
  - (b) for a care group comprising only children at least 3 years of age but under school age – 1:11;
  - (c) for a care group comprising both children under 3 years of age and at least 3 years of age – 1:8, of which no more than 2 children are under 3 years of age.
- (3) However, at least 2 carers must be on duty at all times.
- (4) For every 2 carers on duty, at least 1 must be a qualified carer.
- (5) If a carer who is under 18 years of age is on duty, at least 2 carers who are at least 18 years of age must also be on duty.
- (6) In subclauses (2) and (4), a reference to a number includes a reference to any part of the number.

*Examples for clause 12*

- 1 *If 5 carers are on duty, at least 3 must be qualified carers because of subclauses (4) and (6).*
- 2 *If a service is being provided for 6 children under 3 years of age being cared for in 1 care group, 2 carers must be on duty and at least 1 of the carers must be a qualified carer because of subclauses (2)(a) and (c), (4) and (6).*
- 3 *If a service is being provided for 2 children, 2 carers must be on duty because of subclause (3).*

**13 Minimum number of carers – outside school hours care service**

- (1) This condition applies only to an outside school hours care service.
- (2) The minimum ratio of carers to children being provided with the service is 1:15.
- (3) However, at least 2 carers must be on duty at all times.
- (4) For every 2 carers on duty, at least 1 must be a qualified carer.
- (5) If a carer who is under 18 years of age is on duty, at least 2 carers who are at least 18 years of age must also be on duty.

- (6) In subclauses (2) and (4), a reference to a number includes a reference to any part of the number.

*Examples for clause 13*

- 1 *If 5 carers are on duty, at least 3 must be qualified carers because of subclauses (4) and (6).*
- 2 *If a service is being provided for 32 children, 3 carers must be on duty and 2 of the carers must be qualified carers because of subclauses (2), (4) and (6).*
- 3 *If a service is being provided for 2 children, 2 carers must be on duty because of subclause (3).*

#### **14 Minimum number of carers – home-based service**

- (1) This condition applies only to a home-based service.
- (2) The minimum ratio of carers to children being provided with the service is 1:7.

*Note for subclause (2)*

*Under regulation 13, an operator may provide home-based services to no more than 2 children under 3 years of age.*

- (3) In this clause, a reference to a number includes a reference to any part of the number.

*Example for clause 14*

*If 5 children are being provided with the service, 1 carer must be on duty because of subclauses (2) and (3).*

#### **15 Person in charge**

- (1) The person in charge of the service must be on duty for at least 60% of the hours of operation of the service, unless the CEO has been notified, under subclause (3), that the person in charge will be absent.
- (2) A person in charge is on duty if the person is:
  - (a) caring for children; or
  - (b) supervising the operation of the service.
- (3) The CEO must be notified if the person in charge will be absent for 7 days or more.

## **Part 3 Physical environment**

### **Division 1 Core conditions – physical environment**

#### **16 Core conditions**

The conditions in this Division are core conditions.

#### **17 Maintenance of premises and equipment**

- (1) The premises, all equipment and furniture used in providing the service must be maintained in a safe, clean and hygienic condition and in good repair at all times.
- (2) Broken play equipment must be immediately removed from play areas.
- (3) The premises must be kept free of vermin and pests.

#### **18 Dangerous materials, equipment and plants**

There must be no dangerous materials or equipment or poisonous, irritable or harmful plants or vegetation on the premises that are accessible by children.

#### **19 Play and rest areas**

- (1) Play and rest areas must be provided for children.
- (2) The areas must be comfortable and organised and furnished in a way that is appropriate to the age and physical and intellectual needs of the children.

#### **20 Toilet and washing facilities**

Clean and safe toilet, hand washing, bathing and drying facilities (including an adequate supply of bathroom soap) must be available to children, staff members and volunteers at the premises.

#### **21 Laundry facilities**

The service must have:

- (a) laundry facilities on the premises or an arrangement for the use of a laundry facility or service elsewhere; and
- (b) facilities to hygienically store soiled clothes, linen and nappies before they are laundered or disposed of.

**22 Food preparation and storage area**

- (1) If food is provided to children by the service, the premises must have a designated area for food preparation and storage that contains:
  - (a) facilities to cook or heat food; and
  - (b) dish washing facilities; and
  - (c) refrigerated food storage facilities.
- (2) The area must be maintained so it is hygienic and, if children have access to the area, safe for children.

**23 Fences and gates**

If the premises are enclosed by a fence or wall, reasonable precautions must be taken to prevent children from climbing over or crawling under the fence or wall and any gates in the fence or wall.

**Division 2 Additional conditions – physical environment**

**Subdivision 1 Preliminary matters**

**24 Additional conditions**

The conditions in this Division are additional conditions.

**Subdivision 2 General requirements**

**25 Direction to repair premises**

If the CEO gives a direction about repairs or maintenance to the premises the service provider must:

- (a) take reasonable steps to comply with the direction; and
- (b) if the service provider is unable to comply with the direction – give the CEO written reasons for failing to comply.

**26 Safety of play equipment**

- (1) Play equipment (whether fixed or not) used on the premises must not constitute a hazard to children for any reason, including because of:
  - (a) the lack of soft surfaces under or around the equipment; or
  - (b) the height from which a child could fall from the equipment; or



- (c) the likelihood that a child may be trapped, pinched or crushed by the equipment or struck by sharp or rough edges, projections or rust; or
  - (d) lack of stability of the equipment.
- (2) Outdoor play equipment and soft fall surfacing must comply with relevant Australian Standards.

**27 Telephone**

The premises must be equipped with an operating telephone connected to a telephone network and easily available to staff members.

**28 Storage of dangerous items**

The service must have facilities to safely store, in a place that is inaccessible by children, all cleaning materials, disinfectants, flammable, poisonous and other dangerous substances, tools and toiletries.

**29 Compliance with Building Code**

- (1) This condition applies only to a standard service.
- (2) The toilet and washing facilities available to children must be appropriate to the age of the children and must comply with the requirements for a Class 9b building or clause F2.3 of the Building Code.

**30 Storage space for children**

Each child must be provided with individual storage space for personal belongings which, for a child over 3 years of age, must be positioned so the child has access to the space.

**Subdivision 3 Indoor area**

**31 Children's room**

- (1) This condition applies only to a standard service.
- (2) At least 1 children's room must be provided.
- (3) The floor area of each children's room must allow a clear space for each child being cared for in the room of at least 3.25 square metres, excluding the following:
  - (a) a passageway or thoroughfare less than 3 metres wide;

- (b) a kitchen;
  - (c) a toilet or shower area;
  - (d) a cupboard or other storage area;
  - (e) a door swing area;
  - (f) a cot room or area permanently set aside for the use or storage of cots;
  - (g) any other ancillary area.
- (4) Adequate natural lighting must be provided in each children's room.

### **32 Nappy changing facilities**

The following facilities must be available at the premises if a child being provided with the service wears nappies:

- (a) a sink or bath at adult waist height connected to hot and cold running water in or next to the nappy change area;
- (b) if more than 5 children wear nappies – a sluice for washing nappies;
- (c) 1 changing bench or mat with an impermeable washable top for every 10 (or any part of 10) children who wear nappies.

### **33 Rest facilities**

- (1) A rest area for children must be provided.
- (2) For a service other than an outside school hours care service:
  - (a) 1 bed or mattress must be provided for each child who is at least 2 years of age; and
  - (b) 1 cot or other appropriate bedding must be provided for each child under 2 years of age; and
  - (c) individual sheets and blankets must be provided for each child; and
  - (d) the same bed linen must not be used for different children unless it is washed before each use; and
  - (e) additional bedding must be provided for a sick child who must be isolated from other children.

**34 Light and ventilation**

The premises must have a source of natural light and be properly ventilated and lit when children are present in a way that ensures the comfort and safety of the children.

**35 Heating and cooling equipment**

- (1) The indoor area of the premises must be equipped with the heating and cooling equipment necessary to maintain a comfortable temperature for the children.
- (2) All heating and cooling equipment must be adequately guarded to prevent:
  - (a) a child making accidental contact with hot surfaces or moving parts; or
  - (b) the emission of any sparks or flames.

**36 Glassed areas**

Any glassed areas of the premises accessible by children must be:

- (a) safety glazed in accordance with the Building Code of Australia; or
- (b) guarded by barriers which prevent a child striking or falling against the glass.

**37 Hot water outlets**

If hot water is available at the premises from an outlet accessible by children, the temperature must be regulated to keep it below 43.5 degrees Celsius.

**38 Fumes and smoke**

The premises must be kept free of chemical fumes and smoke at all times children are present.

**39 Electrical outlets**

The premises must be fitted with devices designed to prevent children from gaining access to power points and other electrical outlets, and minimise the risk of electric shocks from electrical wiring.

## **Subdivision 4 Outdoor area**

### **40 Outdoor play space**

- (1) This condition applies only to a standard service.
- (2) An outdoor play space must be provided that:
  - (a) has a useable area of at least 14 square metres for each child, excluding the following:
    - (i) a pathway or thoroughfare less than 3 metres wide;
    - (ii) a car parking area;
    - (iii) a storage shed or other fixed item that prevents children from using the space;
    - (iv) any other ancillary area; and
  - (b) includes features that enable each child to explore the natural environment.
- (3) At least 20% of the outdoor play space (excluding verandahs attached to a building) must be shaded at all times children are being provided with the service.
- (4) The outdoor play space must be enclosed by a fence or barrier that:
  - (a) is at least 1.5 metres high measured from ground level; and
  - (b) a child cannot go through, over or under; and
  - (c) is equipped with gates of the same height with a child-proof self-locking mechanism that is at least 1.4 metres high measured from ground level.

### **41 Sandpits**

If there is a sandpit on the premises:

- (a) it must be covered when not in use to prevent access by animals; and
- (b) it must be kept clean and free of anything that may harm a child.

### **42 Water safety**

- (1) The *Swimming Pool Safety Act* must be complied with if there is a swimming pool (as defined in that Act) at the premises.

- (2) If there is a paddling pool at the premises, it must be emptied immediately after use, cleaned and stored in a way that prevents the collection of water.

## **Part 4 Health and safety**

### **Division 1 Core conditions – health and safety**

#### **43 Core conditions**

The conditions in this Division are core conditions.

#### **44 Appropriate supervision at all times**

- (1) Children being provided with the service must be supervised by carers at all times, including while they are asleep.
- (2) The level of supervision must be appropriate to the age and physical and intellectual development of the children and to the activities in which they are engaged.
- (3) A carer on duty must not perform tasks other than caring for children except for minor tasks incidental to the care of the children.

#### **45 Health of staff and volunteers**

A staff member or volunteer at the service must not be in contact with children if:

- (a) the health of the staff member or volunteer may adversely affect the health or safety of the children; or
- (b) the staff member or volunteer is intoxicated by alcohol, drugs or another intoxicating substance.

#### **46 No consumption of alcohol and drugs at premises**

Alcohol and drugs, except for those required for medical purposes, must not be consumed at the premises at any time children are being provided with the service.

#### **47 Provision of food and beverages**

Any food and beverages provided to a child by the service must be:

- (a) nutritious and adequate in quantity, having regard to the period of time the child is being provided with the service and the age of the child; and

- (b) appropriate to any special dietary needs of the child.

**48 Hygiene**

Staff members and volunteers must follow the hygiene practices recommended in the publication entitled "Staying Healthy in Child Care", published by the National Health and Medical Research Council, as revised from time to time.

**49 Fire and emergency procedure**

- (1) The service must have a fire and emergency procedure, and each staff member must be familiar with the procedure.
- (2) The CEO must be notified of an incident at the service requiring the attendance of the Fire and Rescue Service:
  - (a) within 24 hours, orally; and
  - (b) as soon as practicable, in writing.

**50 Medical management plans**

- (1) If a child requires ongoing medication or suffers from a condition that may require emergency treatment:
  - (a) a plan (a **medical management plan**) must be prepared in consultation with the parents of the child specifying:
    - (i) the requirements for the administration of medication to the child; and
    - (ii) the emergency treatment that may be necessary for the child; and
    - (iii) any other information relevant to managing the condition; and
  - (b) each carer must have appropriate training to implement the plan.
- (2) The child's medication must be:
  - (a) easily recognisable; and
  - (b) readily accessible by adults and inaccessible by children; and
  - (c) stored away from direct sources of heat.

**51 Illness, injury, accident and trauma procedure**

If a child becomes ill, has an accident or is injured or traumatised as a result of an incident while being provided with the service:

- (a) a responsible person for the child must be notified as soon as practicable; and
- (b) if necessary in the interests of the health, safety or wellbeing of the child or other children being provided with the service – arrangements must be made as soon as practicable to remove the child from the service.

**52 First aid kit**

The premises must be equipped with a fully stocked first aid kit that is:

- (a) easily recognisable; and
- (b) readily accessible by adults and inaccessible by children.

**53 Administration of medication**

(1) If a child requires medication to be administered:

- (a) written authorisation from a responsible person for the child must be obtained; and
- (b) the medication must be administered from the container in which it was originally packaged, which must, in the case of prescription medicine, be labelled with the child's name, the prescribed dose and the use by date of the medicine; and
- (c) for a standard service – the dosage of medication administered must be checked by a person other than the person administering the medication.

(2) However, medication may be administered to a child without the authorisation of the responsible person if:

- (a) a reasonable attempt is made to secure the authorisation; and
- (b) a medical practitioner or ambulance officer authorises the administering of the medication.

## **Division 2 Additional conditions – health and safety**

### **Subdivision 1 Preliminary matters**

#### **54 Additional conditions**

The conditions in this Division are additional conditions.

### **Subdivision 2 Fire and emergency procedures**

#### **55 Fire prevention, control and alarm mechanisms**

The premises must be equipped with adequate fire prevention, control and alarm mechanisms installed according to relevant Australian Standards.

#### **56 Fire and emergency procedure**

- (1) The fire and emergency procedure for the premises must be on display at the premises at all times.
- (2) The fire and emergency procedure must be practised at least once every 3 months by staff members and children and a record of each practice kept for at least 2 years after the practice occurred.

### **Subdivision 3 Animals**

#### **57 Keeping animals on premises**

- (1) If an animal is kept on the premises, it must be kept:
  - (a) in a clean and healthy condition; and
  - (b) in a way that does not constitute a health or safety risk to children.
- (2) Children must not be allowed access to the animal or any bedding, toy, litter tray, food or feeding containers used by the animal except under direct supervision.
- (3) All play areas must be kept free from the following:
  - (a) animal droppings;
  - (b) bones;
  - (c) holes dug by animals.



- (4) The animal must not have access to the following:
  - (a) bedding used by children;
  - (b) toys or play equipment used by children;
  - (c) food preparation areas;
  - (d) eating surfaces or eating utensils.
- (5) If the animal travels in a motor vehicle with a child in the course of providing the service, the animal must be restrained.

#### **Subdivision 4 Infectious diseases**

##### **58 Policy and procedures to be given to parents**

Parents must be given a written copy of the policy and procedures of the service for the prevention and control of infectious diseases.

##### **59 Residents at home-based service**

- (1) This condition applies only to a home-based service.
- (2) Each person who ordinarily resides at the premises must comply with the policy and procedures of the service for the prevention and control of infectious diseases.

##### **60 Infected child not to be identified**

Parents must be informed if there is an outbreak of an infectious disease at the service in a way that does not identify a child infected with the disease.

#### **Subdivision 5 Food and beverage requirements**

##### **61 Food and beverage standards**

- (1) Each child must have independent access to fresh drinking water at all times.
- (2) Each child must be offered food and beverages at frequent and regular intervals.
- (3) Suitable eating arrangements must be made that encourage the development of independent eating skills in children, including by using eating utensils and furniture appropriate to the age and stage of development of the children.

- (4) The provision of food and beverages must comply with the *Food Act*.

**62 Information about meals**

- (1) The menu of meals for each week must be prominently displayed at the premises.
- (2) The food provided must be the food specified in the menu (so far as reasonably practicable).

**63 Training of carers**

Carers must be trained in the following matters:

- (a) the nutritional needs of children;
- (b) understanding and managing the eating behaviour of children;
- (c) teaching children about nutrition through food-related activities.

**Part 5 Interaction with children**

**Division 1 Core conditions – interaction with children**

**64 Core conditions**

The conditions in this Division are core conditions.

**65 Interaction with children**

- (1) Interactions between carers and children must be conducted in a way that ensures:
  - (a) the dignity and rights of each child are protected; and
  - (b) each child is encouraged to express opinions; and
  - (c) each child is given the opportunity to become self-reliant and develop self-esteem; and
  - (d) each child is given guidance about positive and responsible behaviour; and
  - (e) a child is not required to do anything inappropriate, having regard to the child's family and cultural values, age and physical and intellectual development; and

- (f) a child is not exposed to physical punishment, or other punishment that humiliates, frightens or threatens the child; and
- (g) a child is not required to sleep or rest against the child's wishes or needs; and
- (h) regardless of the physical, mental or language ability, gender, religion, culture, family structure or economic status of a child, the child is:
  - (i) treated without bias; and
  - (ii) encouraged to fully participate (with necessary help and support) in the educational and recreational programs of the service.
- (2) A child must not be exposed to physical or verbal exchanges between adults that may frighten or harm the child.
- (3) A child must not be isolated for any reason other than illness, accident or an appointment made with the consent of a parent.

## **66 Educational and recreational programs**

- (1) The educational and recreational programs of the service must be appropriate to the individual learning and developmental needs of each child.
- (2) Each child at the service must have access to adequate furniture, materials and equipment suitable for the stage of development of the child and the educational or recreational programs provided by the service.

## **Division 2 Additional conditions – interaction with children**

### **67 Additional conditions**

The conditions in this Division are additional conditions.

### **68 Program of activities**

The service must provide a program of activities that:

- (a) balances indoor and outdoor activities; and
- (b) facilitates each child's social, physical, emotional, cognitive, language and creative development; and
- (c) is capable of engaging the interest of children; and

- (d) allows children to independently select experiences.

## **Part 6 Arrival and departure**

### **Division 1 Preliminary matters**

#### **69 Application**

This Part does not apply to the removal of a child from the premises:

- (a) if the child requires medical, hospital or ambulance care or treatment; or
- (b) because of another emergency.

### **Division 2 Core conditions – arrival and departure**

#### **70 Core conditions**

The conditions in this Division are core conditions.

#### **71 Arrival and departure procedures**

- (1) When a child arrives at the premises, a staff member must receive the child.
- (2) When a child leaves the premises, except on an excursion:
  - (a) a staff member must ensure the person who collects the child is a responsible person for the child; or
  - (b) if it is not possible for the child to be collected by a responsible person:
    - (i) alternative arrangements must be made to secure the safety and welfare of the child before the child leaves the premises; and
    - (ii) the departure must be in accordance with procedures agreed to in writing by the child's parent.

#### **72 Conditions of excursion**

- (1) The following conditions apply to an excursion outside the premises:
  - (a) the excursion must be conducted in a safe manner;

- (b) a motor vehicle used to transport children on the excursion must be fitted with child restraints approved under regulation 4 of the *Traffic Regulations*;
  - (c) a fully stocked first aid kit must be taken on the excursion;
  - (d) for a service other than a home-based service – the children must be accompanied by the number of adults supervising the children specified in subclauses (2) and (3);
  - (e) at least 1 of the adults accompanying the children must be a staff member with the first aid training mentioned in clause 10 carrying:
    - (i) an operating mobile telephone connected to a mobile telephone network; and
    - (ii) if there is a medical management plan for a child – the plan.
- (2) The minimum ratio of adults to children on an excursion is as follows:
- (a) if the excursion is to a place where children may swim or where there is a significant water hazard:
    - (i) for children under 3 years of age – 1:1; or
    - (ii) for children at least 3 years of age but under school age – 1:3; or
    - (iii) for school aged children – 1:8;
  - (b) if the excursion is to a place other than a place mentioned in paragraph (a):
    - (i) for children under 3 years of age – 1:3; or
    - (ii) for children at least 3 years of age but under school age – 1:5; or
    - (iii) for school aged children – 1:10.
- (3) However, at least 2 adults must accompany the children.
- (4) In subclause (2), a reference to a number includes a reference to any part of the number.

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**Division 3 Additional conditions – arrival and departure**

**73 Additional conditions**

The conditions in this Division are additional conditions.

**74 Check of premises at end of day**

- (1) This condition does not apply to a home-based service.
- (2) At the end of each day, all areas of the premises must be thoroughly checked by at least 2 staff members to ensure no child remains on the premises after the service closes for the day.

**75 Authority to take child on excursion**

- (1) A child must not be taken on an excursion outside the premises without written authorisation, signed by a responsible person for the child, that includes the following details:
  - (a) the reason for the excursion;
  - (b) the date of the excursion;
  - (c) the destination of the excursion;
  - (d) the method of transport to be used for the excursion;
  - (e) the activities that will be undertaken by the child during the excursion;
  - (f) the period the child will be away from the premises;
  - (g) for a service other than a home-based service – the number of adults who will accompany and supervise the child on the excursion.
- (2) However, a carer may take a child outside the premises for an excursion of a routine nature if:
  - (a) a responsible person has provided a written authorisation within the previous 12 months for the child to be taken on an excursion of that nature; and
  - (b) for a service other than a home-based service – the service displays a notice at the premises stating:
    - (i) that the children are on the excursion; and
    - (ii) the location of the excursion; and

- (iii) the time the children are expected to return to the premises.

*Example for subclause (2)*

*Excursions of a routine nature may include trips taken from a service located at a school to other locations on the campus of the school, shopping trips taken by a carer for a home-based service, and trips taken by a carer for a home-based service to collect children from schools or other venues.*

## **Part 7 Governance and information**

### **Division 1 Core conditions – governance and information**

#### **76 Core conditions**

The conditions in this Division are core conditions.

#### **77 Enrolment record**

A record (the **enrolment record**) must be kept that includes the following information for each child:

- (a) the name, date of birth and address of each child;
- (b) the name, address and telephone number of:
  - (i) a person who must be notified of an accident, injury or trauma involving the child or if it becomes apparent that the child is ill; and
  - (ii) each person (a **responsible person**) who has authority to:
    - (A) authorise the taking of the child outside the premises; or
    - (B) consent to medical treatment of the child; or
    - (C) request or permit the administration of medication to the child; or
    - (D) collect the child from the service;
- (c) details of any special medical need, allergy or condition of the child.

**78 Attendance record**

- (1) A record (the **attendance record**) must be kept showing the following for each child:
  - (a) the full name of the child;
  - (b) each time the child arrives and departs the service – the time of arrival or departure.
- (2) At the time each child arrives or departs the service, the attendance record must be signed by:
  - (a) the person who delivers the child to the service or collects the child from the service; or
  - (b) a staff member who has been authorised by a responsible person for the child to sign the record.

**79 Death, injury and illness record**

- (1) A record (the **death, injury and illness record**) must be kept of the nature and circumstances of the following:
  - (a) the death of a child that occurs while the child is being provided with the service;
  - (b) an injury received by a child while the child is being provided with the service;
  - (c) an illness that becomes apparent while a child is being provided with the service.
- (2) A record of an accident or incident must include the names of any witnesses to the accident or incident.

**80 Medication record**

If medication is administered to a child by a staff member of the service, a medication record must be kept showing the following details:

- (a) the dosage administered;
- (b) the reason the medication was administered;
- (c) the name of the medication administered;
- (d) the time and date the medication was administered;



- (e) a copy of the document authorising the administration of the medication;
- (f) the name and signature of the person who administered the medication;
- (g) for a standard service – the name and signature of the person who checked the dosage administered.

## **81 Confidentiality of information**

Information about a child contained in a record kept by the service must not be disclosed to a person except:

- (a) to the extent necessary for the care or medical treatment of the child; or
- (b) if the person is a parent of the child or another person authorised by a parent of the child to receive the information; or
- (c) to the CEO or an authorised officer; or
- (d) if expressly authorised, permitted or required to be given under an Act.

## **82 Complaints procedure**

- (1) The service must have a procedure for appropriately responding to complaints of parents, and all staff members must understand the procedure.
- (2) Parents must be given the address and telephone number of the office of the Department to which complaints about the service may be directed.

## **83 Interaction with parents**

- (1) Parents must be given the opportunity to participate in the operation of the service and the development of educational and recreational programs.
- (2) The service must complete an orientation procedure with the parents of a child when the child is first enrolled.
- (3) The service must be operated in a way that encourages the exchange of information about the care of children between parents and carers.

- (4) A parent must be allowed to enter the service at any time during the hours of operation of the service and consult with carers about the care of the child.

**84 Clearance notices – home-based services**

- (1) This condition applies only to a home-based service.
- (2) Each adult who ordinarily resides at the premises (whether or not the adult performs duties connected with the provision of the service) must hold a clearance notice.

**Division 2 Additional conditions – governance and information**

**85 Additional conditions**

The conditions in this Division are additional conditions.

**86 Enrolment record – additional details**

The following additional details must be kept in the enrolment record:

- (a) the name, address and telephone number of each parent with whom the child resides;
- (b) the name, address and telephone number of any other parent of the child;
- (c) details of any court orders provided to the service relating to the powers, duties, responsibilities or authorities of any person in relation to the child;
- (d) the primary language used in the child's home;
- (e) an authorisation, signed by a responsible person for the child, for a staff member to seek medical treatment for the child if necessary from a medical practitioner, hospital or ambulance service;
- (f) the following health information:
  - (i) the name, address and telephone number of the child's medical practitioner or medical service;
  - (ii) details of the following:
    - (A) the special needs of the child;

- (B) allergies of the child;
- (C) whether the child has been diagnosed, by a medical practitioner, as at risk of asthma or anaphylaxis;
- (D) other medical conditions relevant to the care of the child;
- (g) any medical management plan or emergency procedure to be followed for a special need, allergy or medical condition mentioned in paragraph (f);
- (h) details of any dietary restrictions of the child;
- (i) if the parent has a child health record for the child – whether the licence holder or a staff member of the service has seen the record.

**87 Death, illness and injury record – required details**

- (1) The following information must be kept in the death, illness and injury record:
  - (a) the following details about an accident involving a child, injury received by a child or trauma to which a child has been subjected while the child is being provided with the service:
    - (i) the name of the child;
    - (ii) the circumstances leading to the accident, injury or trauma;
    - (iii) the nature of the accident, injury or trauma;
    - (iv) any things, objects or structures involved;
    - (v) the time and date the accident occurred, the injury was received or the child was subjected to the trauma;
    - (vi) action taken by the service in response to the accident, injury or trauma;
    - (vii) the name of the person who was notified of the accident, injury or trauma and the time and date of the notification;
    - (viii) the name and signature of the person making the entry in the record;

- (b) the following details about an illness that becomes apparent while the child is being provided with the service:
  - (i) the name of the child;
  - (ii) the circumstances surrounding the child becoming ill and the apparent symptoms of the illness;
  - (iii) the time and date of the apparent start of the illness;
  - (iv) action taken by the service in response to the illness;
  - (v) the name of the person who was notified of the illness and the time and date of the notification;
  - (vi) the name and signature of the person making the entry in the record.
- (2) The information mentioned in subclause (1) must be recorded as soon as practicable, but not later than 24 hours after the accident, injury or trauma, or the start of the illness.
- (3) The parents of the child must be given a copy of the information as soon as reasonably practicable after it is recorded.

## **88 Staffing record**

- (1) This condition does not apply to a home-based service.
- (2) A staffing record must be kept that includes the following details in relation to each staff member:
  - (a) name, address and date of birth;
  - (b) a copy of any relevant qualifications or certificates of training completed;
  - (c) working hours;
  - (d) the following information about the clearance notice:
    - (i) the date the notice was read by the licence holder or nominee;
    - (ii) the reference number of the notice;
    - (iii) the expiry date of the notice.
- (3) The roster of staff members and volunteers must also be kept on the staffing record.

**89 Record retention**

- (1) A record about a child, other than an attendance record, must be kept:
  - (a) at the premises for at least 2 years after it is created; and
  - (b) at a secure place in a way that protects the record from damage until the date the child reaches (or, if the child is deceased, would have reached) 24 years of age.
- (2) An attendance record must be kept at the premises for at least 12 months after it is created.
- (3) A staff record must be kept:
  - (a) at the premises while the staff member is engaged by the service; and
  - (b) at a secure place in a way that protects the record from damage for at least 7 years after it is created.
- (4) If a service stops operating, the licence holder for the service must keep a record required by this clause to be kept at the premises at another secure place in a way that protects the record from damage.

**90 Display of information**

- (1) The following information must be displayed prominently at the main entrance to the premises or, in the case of a home-based service, at the principal office of the coordinator of the scheme:
  - (a) a copy of the licence for the service;
  - (b) the hours and days of operation of the service;
  - (c) the name of the licence holder and, if the licence holder is a body corporate, the name of a representative of the body corporate;
  - (d) the name of the person in charge of the service;
  - (e) the fees charged by the service;
  - (f) the name and telephone number of the person at the service to whom complaints should be directed;
  - (g) the address and telephone number of the office of the Department to which complaints about the service should be directed;

- (h) the operating plan for the service.
- (2) An outline of the educational and recreational programs provided for children must be displayed prominently in each children's room of a standard service.

**91 Availability of Act and Regulations**

A current copy of the Act and these Regulations must be available at the premises for inspection by parents.

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## ENDNOTES

### 1

### KEY

Key to abbreviations

amd = amended  
 app = appendix  
 bl = by-law  
 ch = Chapter  
 cl = clause  
 div = Division  
 exp = expires/expired  
 f = forms  
 Gaz = Gazette  
 hdg = heading  
 ins = inserted  
 lt = long title  
 nc = not commenced

od = order  
 om = omitted  
 pt = Part  
 r = regulation/rule  
 rem = remainder  
 renum = renumbered  
 rep = repealed  
 s = section  
 sch = Schedule  
 sdiv = Subdivision  
 SL = Subordinate Legislation  
 sub = substituted

### 2

### LIST OF LEGISLATION

***Care and Protection of Children (Children's Services) Regulations (SL No. 12, 2009)***

Notified	1 June 2009
Commenced	9 June 2009 (r 2, s 2 <i>Care and Protection of Children Act 2007</i> (Act No. 37, 2007) and Gaz S27, 1 June 2009)