

# NOTIFICATION KIT

## *Child care or outside school hours care*

*Child Care Services Act 2007*

*Child Care Services (Child Care) Regulations 2006*

*Child Care Services (Outside School Hours Care) Regulations 2006*

### Licence **notification/modification application** kit

This notification kit includes:

- [Help guide: Notification/Modification](#)
- [Notification/Modification application form](#)

### The **regulations**

You are responsible for understanding and complying with the *Child Care Services Act 2007* and the relevant Regulations. The *Notification/Modification application* and the accompanying *Help guide* must be used in conjunction with the Regulations.

The Regulations are legally binding. Failure to comply with the Regulations may result in an application for a licence renewal being refused, or the cancellation or suspension of an existing licence, and/or pecuniary penalties.

It is essential you have an up-to-date copy of the Regulations from the State Law Publisher. Please refer to their website, [www.slp.wa.gov.au](http://www.slp.wa.gov.au) or contact them on 08 9321 7688.

### **Privacy** statement

The Department for Communities needs the information you provide in your *Licence notification* to update your licence data that currently exist with the Department.

### For **more information**

For further advice and support on licence notification, please contact the Children's Services Officer at your local office of the Department for Child Protection or our website [www.childcare.wa.gov.au](http://www.childcare.wa.gov.au).

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# HELP GUIDE

## *Notification/Modification Application*

### *Child Care Centres Outside School Hours Care*

*Child Care Services Act 2007  
Child Care Services (Child Care) Regulations 2006  
Child Care Services (Outside School Hours Care) Regulations 2006*

*This Help guide is a simple interpretation of the Act and Regulations.  
It is intended as a guide only and does not constitute legal advice.*



Department for  
Communities

Child Care Licensing  
and Standards Unit

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# HELP GUIDE

## Notification/Modification Application *Child care centres and outside school hours care*

*Child Care Services Act 2007  
Child Care Services (Child Care) Regulations 2006  
Child Care Services (Outside School Hours Care) Regulations 2006*

<b>INTRODUCTION</b>	<b>3</b>
➤ What must I notify the Department about?	3
➤ What happens when I submit a notification/modification application to the Department?	3
➤ What does it mean to surrender my licence?	3
➤ If I cease to occupy the place specified in the licence, must I notify the Department for Communities?	4
➤ If I cease to provide a child care service, must I notify the Department for Communities?	4
➤ How long will the process take to process an application to modify the place specified in the licence?	4
➤ In what situations must a licensee apply to modify the place specified in the licence?	4
➤ How will the modification application be assessed?	4
➤ If I propose to modify the place specified in the licence, must I review my public liability insurance?	5
➤ Should a monitoring visit be expected?	5
➤ What happens if the modification application is refused?	5
➤ How can a review of the decision be made?	5
<b>NOTIFICATION/MODIFICATION APPLICATION</b>	<b>6</b>
Notification instructions	6
Section 1: Notification summary	6
Section 2: Change of licensee's or supervising officer's name	6
Section 3: Cessation of occupation of the place	6
Section 4: Provision of service	7
Section 5: Licensee or supervising officer – day to day supervision of the service	7
Section 6: Change in managerial officer/s of a body corporate	7

Section 7: Long attendances of enrolled child	8
Section 8: Other fact or circumstance	8
Section 9: Surrender of licence	8
Section 10: Emergency contact details	8
Section 11: Modification Application	8
Section 12: Checklist	9
Section 13: Declaration and agreement	9
 Post your notification	9



# INTRODUCTION

## Notification/Modification Application

### *Child Care Centres and Outside School Hours Care*

*Child Care Services Act 2007*  
*Child Care Services (Child Care) Regulations 2006*  
*Child Care Services (Outside School Hours Care) Regulations 2006*

#### ➤ **What must I notify the Department about?**

Under the Regulations you must notify the CEO in writing of any change of fact or circumstance that relates to, or affects, your child care licence, including the surrender of your licence.

#### ➤ **What happens when I submit a notification/modification application to the Department?**

This will depend upon what change you notify the Department for Communities about. Some changes will only require updating of your licence records, other changes will need to be approved by the Department for Communities. When we receive your notification/modification application we will inform you in writing that we have received it and advise you what will happen. If the change needs to be approved by the Department for Communities, we will inform you of this and advise you of the anticipated time frame for a decision.

#### ➤ **What does it mean to surrender my licence?**

Before your licence expires, you may choose not to continue to operate your child care service. If you choose to discontinue your service, you must surrender your licence. To do this you must deliver or post your licence to the Department for Communities as soon as reasonably practicable after you close your service. Once you have surrendered your licence you will be unable to legally operate the child care service specified in the surrendered licence.

It is also your responsibility to surrender your licence to the Department for Communities if you sell your child care service. *Importantly*, the buyer of your service cannot operate until a new licence is issued, and the new licence will not be issued if you do not officially surrender your licence to the Department. Only one current licence for any given child care place can be valid at any one time.

➤ **If I cease to occupy the place specified in the licence, must I notify the Department for Communities?**

Yes, you have a responsibility under the Regulations to notify the Department when you cease to occupy the place specified on your licence, either on a temporary or a permanent basis.

➤ **If I cease to provide a child care service, must I notify the Department for Communities?**

Yes, you also have a responsibility under the Regulations to notify the Department when you cease to provide a service, either on a temporary or a permanent basis.

➤ **How long will the process take to process an application to modify the place specified in the licence?**

For a straight forward application, you can expect the process to take approximately 30 days to be notified of the outcome. If for some reason the application is held up, we will advise you of the delay and the new time frame.

➤ **In what situations must a licensee apply to modify the place specified in the licence?**

A licensee must make a modification application whenever a modification, including any construction, is planned at a licensed place that may affect, or relates to, any regulation stated in the *Child Care Services (Child Care) Regulations 2006* or the *Child Care Services (Outside School Hours Care) Regulations 2006*, as the case requires.

Modifications include, but are not limited to:

- erecting a garden shed or outbuilding of any size
- extending the original building, or
- any other changes to the structure of the licensed area of the building.

➤ **How will the modification application be assessed?**

The modification application will be assessed against the minimum standards required in the *Child Care Services (Child Care) Regulations 2006* or the *Child Care Services (Outside School Hours) Regulations 2006*. Any modification must meet all the standards set out in the Regulations.

*Importantly*, during any construction works you must continue to meet the Regulations. If you wish to operate the service during the modification, you must advise of any impact on your ability to comply with the regulations and indicate how the wellbeing of the enrolled children will be maintained.

➤ **If I propose to modify the place specified in the licence, must I review my public liability insurance?**

Yes. You must review your insurance, including public liability insurance with your insurer if you propose to make any change to the service that may affect your insurance cover. Your insurer will be able to advise you in relation to insurance cover for any proposed modifications to the place.

➤ **Should a monitoring visit be expected?**

A monitoring visit may take place if it is considered:

- the modification or construction may significantly impact on the wellbeing of children, or
- the modification or construction needs to be checked against the Regulations.

➤ **What happens if the modification application is refused?**

If the modification application is refused, you will be given a reason why the proposed modification does not meet the required standards of the regulations. Another application may be made in the future if you assess that the required standard can be met.

➤ **How can a review of the decision be made?**

If an application to modify the place is refused and the licensee disagrees with the reason given or is dissatisfied with the fairness applied to the application process, the licensee may apply to the Department for Communities for a review of the decision.

# NOTIFICATION/MODIFICATION APPLICATION

## Notification instructions

**The *Help guide* and *Notification/Modification application* must be read in conjunction with the relevant Regulations.**

It is important, as the licence applicant, that you are familiar with the minimum standards prescribed by the Regulations. Failure to comply with the Regulations may result in an application for a licence renewal being refused, or the cancellation or suspension of an existing licence, and/or pecuniary penalties.

- You must answer all sections of your licence notification.
- Where a box is provided, please indicate your choice with a tick () or a cross ()
- All relevant details and attachments must be completed and received by the Department for Communities before your notification will be officially acknowledged.

## Section 1: Notification summary

*This section helps the Department for Communities contact the right person in case of a general enquiry.*

### ➤ Contact person

You must give the full name and contact details of the person to be contacted in case there are any general enquiries about this notification/modification application.

## Section 2: Change of licensee's or supervising officer's name

*This section allows the licensee or supervising officer to notify the Department about a change of name.*

Please ensure you attach the appropriate documentary evidence to prove your change in name. This may include, for example, a marriage certificate. Please do not send in original documents.

## Section 3: Cessation of occupation of the place

*This section allows the licensee to notify the Department if the licensee ceases, or wishes to cease to occupy the place specified in the licence.*

If you cease to occupy the place on a permanent basis you must surrender your licence. If you cease occupation of the place on a temporary basis, for example to

carry out minor maintenance, cleaning, or repairs, you must also notify the Department.

## Section 4: Provision of service

*This section allows the licensee to notify the Department proposes to cease providing a service on a temporary or permanent basis.*

If you propose to cease providing a service for a temporary basis you must notify the Department of the proposed dates the service will cease and re-open. If you cease to provide a service on a permanent basis you must surrender your licence.

## Section 5: Licensee or supervising officer - day to day supervision of the service

*This section requires the licensee to notify the Department if the individual licensee or the supervising officer is unable to supervise or control the day to day provision of the child care service.*

If an individual licensee, or in the case of a body corporate a supervising officer, is unable or incapable of supervising or controlling the day to day provision of the child care service, due to for example, death, dismissal or resignation or is unavailable for more than 30 consecutive working days, the licensee is required to notify the Department for Communities.

## Section 6: Change in managerial officer/s of a body corporate

*This section allows you to notify the Department of a change in managerial officer/s. Each new Managerial Officer must complete a "Managerial Officer Statement" which can be obtained from the Child Care Licensing and Standards Unit, your local Children's Services Officer or downloaded from our website [www.childcare.wa.gov.au](http://www.childcare.wa.gov.au).*

If you are a registered company, you must attach an up-to-date copy of your *Current company extract* available from the Australian Securities and Investments Commission. For further information please refer to their website, [www.asic.gov.au](http://www.asic.gov.au).

### *6.3 Change in managerial officers*

If you are notifying the Department of a change in managerial officers, you must provide the names and dates of birth of each retiring and each new office bearer. **Within 30 days** of taking on this position the new managerial officer is required to submit a completed 'Managerial Officer Statement.'

## Section 7: Long attendances of enrolled child

*Please note: This section is only applicable to child care centres. This section allows a child care licensee to notify the Department of the attendance of an enrolled child for a period of more than 18 consecutive hours.*

### *7.2 Long attendances of enrolled child*

Please advise the name of the child or children, date of birth and the dates and times of long attendance. This is to ensure that no enrolled child is placed in the care of your child care service for more than 14 24-hour periods in one calendar year without the prior written approval of the CEO.

## Section 8: Other fact or circumstance

*This section allows you to notify the Department of any other fact or circumstance not covered by the previous sections of the Licence notification.*

Examples included, but are not limited to:

- A child leaving the service in the care of a person other than a person authorised by the child's parent
- If a licensee, supervising officer, managerial officer and/or child care service employee is convicted of a prescribed offence

## Section 9: Surrender of licence

*This section allows you to surrender your licence to the Department. A licensee may at any time by notice in writing to the CEO, surrender the licence. Once you have surrendered your licence you cannot operate the child care centre specified in the licence.*

## Section 10: Emergency contact details

*The emergency contact details will be added to the Child Care Licensee Emergency Contact Register. This register will be used by the Department for Communities or other government agency to alert licensees about an emergency, such as an influenza pandemic or other disaster. This will allow important information to be quickly passed on to the child care sector.*

## Section 11: Modification Application

*This section asks the licensee to describe a proposed modification/construction to the place specified on the licence.*

When describing the modification or construction please give details of:

- what is to be modified or constructed

- how the wellbeing, including safety of enrolled children, will be protected from during modification/construction.

## Section 12: Checklist

*This section is an important tool to help ensure the licence application is complete.*

The Department for Communities will not process incomplete applications. If a particular document is not attached please provide a valid reason.

If an attachment is not applicable to the application, please tick (☑) or cross (☒) the 'not applicable' box.

Please attach copies of supporting documents. **Do not send original** documents except in the case of the Department record check consent form, this must be the original.

## Section 13: Declaration and agreement

*The section asks you to declare the information provided in your application is true and correct, and that you are aware of the consequences of not providing true and correct information.*

All licensees and if applicable, the supervising officer, must sign this section.

### ➤ **Body corporate, department or public authority signature**

It is important only those persons who can legally execute a contract on behalf of the body corporate or public authority sign the notification/modification application.

In some circumstances, where the legal entity can legally execute a contract with a common seal, a common seal is sufficient.

## Post your notification

Please post your completed Licence notification, including all the appropriate attachments, to:

*Child Care Licensing and Standards Unit  
Department for Communities  
PO Box 6242, East Perth Business Centre  
EAST PERTH WA 6892*





**WHAT DO YOU WISH TO NOTIFY THE DEPARTMENT FOR COMMUNITIES ABOUT?**

- Have you changed your name?  → Section 2
- Do you wish to cease occupying the place specified in the licence?  → Section 3
- Do you wish to cease providing service on a temporary or a permanent basis?  → Section 4
- Is the licensee/supervising officer unable to undertake day to day supervision and control of the service?  → Section 5
- Is this a notification about a change in managerial officers of a body corporate  → Section 6
- Do you wish to notify of the attendance of an enrolled child for a period of more than 18 consecutive hours?  → Section 7
- Do you wish to notify the Department of any other fact(s) or circumstance(s) that affects your licence?  → Section 8
- Do you wish to update your emergency contact details  → Section 9
- Do you wish to surrender your licence?  → Section 10
- Do you wish to make an **application to modify** the place specified in the licence?  → Section 11

**SECTION 2: CHANGE OF NAME OF INDIVIDUAL LICENSEE/SUPERVISING OFFICER**

- 2.1 Have you changed your name?  Yes → Go to 2.2  No → Go to Section 3
- 2.2 What is your position?  Individual licensee  Supervising officer
- 2.3 Please give your **previous** name.  
 .....  
*Given names* *Surname*
- 2.4 Please give your **new** name.  
 .....  
*Given names* *Surname*
- 2.5 Please attach evidence of your new name and give the name of the document (*Help guide* p 6).  Document attached  
 .....  
*Name of document*

**SECTION 3: OCCUPATION OF THE LICENSED PLACE**

- 3.1 Do you wish to cease occupying the place specified in the licence?  Yes → Go to 3.2  No → Go to Section 4
- 3.2 Do you wish to cease occupying the place on a temporary or a permanent basis? (*Help guide* p8).  Temporary → Go to 3.3  Permanent → Go to Section 12
- 3.3 Please provide the reason for ceasing to occupy the place.  
 .....  
 .....
- 3.4 From what date will you cease occupying the place?  
 ..... / ..... / .....
- 3.5 Please advise the date you will re-occupy the place.  
 ..... / ..... / .....  Not applicable

**SECTION 4: PROVISION OF SERVICE**

- 4.1 Do you wish to cease providing a service on a temporary or a permanent basis? (*Help guide* p7)  Temporary → Go to 4.2  Permanent → Go to Section 12
- 4.2 Please provide the reason for ceasing the provision of your service.  
 .....
- 4.3 From what date will you temporarily cease providing the service.  
 ..... / ..... / .....
- 4.4 What date will you re-commence providing the service?  
 ..... / ..... / .....



**SECTION 6: CHANGE IN MANAGERIAL OFFICER/OFFICERS (BODY CORPORATE) (CONT.)**

6.3 Please provide the names and birth dates of *new* Managerial officers (Incorporated body).

Please provide all new Managerial officers with a Managerial officer statement, to be completed and forwarded to the Child Care Licensing and Standards Unit within 30 days of commencement.

1  
 ...../...../.....  
 Given names Surname Date of birth

2  
 ...../...../.....  
 Given names Surname Date of birth

3  
 ...../...../.....  
 Given names Surname Date of birth

4  
 ...../...../.....  
 Given names Surname Date of birth

5  
 ...../...../.....  
 Given names Surname Date of birth

6  
 ...../...../.....  
 Given names Surname Date of birth

If you need more space, please attach a separate piece of paper with extra names and birth dates.

**SECTION 7: LONG ATTENDANCES OF ENROLLED CHILD (CHILD CARE CENTRES ONLY)**

7.1 Do you wish to notify of the attendance of an enrolled child for a period of more than 18 consecutive hours?

Yes → Go to 7.2                       No → Go to Section 8

7.2 Child or children's name/s, date of birth and dates and times of long attendance (*Help guide* p8).

1  
 ...../...../.....  
 Given names Surname Date of birth

Date/Time child arrived at centre		Date/Time child left centre	
Date:	Time:	Date:	Time:

2  
 ...../...../.....  
 Given names Surname Date of birth

Date/Time child arrived at centre		Date/Time child left centre	
Date:	Time:	Date:	Time:

3  
 ...../...../.....  
 Given names Surname Date of birth

Date/Time child arrived at centre		Date/Time child left centre	
Date:	Time:	Date:	Time:

4  
 ...../...../.....  
 Given names Surname Date of birth

Date/Time child arrived at centre		Date/Time child left centre	
Date:	Time:	Date:	Time:





**SECTION 11: APPLICATION TO MODIFY THE PLACE (CONT.)**

11.5 If approved, I understand that upon completion of the project, I must forward a copy of a current Certificate of Classification relating to the place, (issued under Part 5 of the *Building Regulations 1989*) to the Child Care Licensing and Standards Unit (*Help guide* p6).

- Upon completion of the project I will submit a copy of a Certificate of Classification to the Child Care Licensing and Standards Unit
- Not applicable

**SECTION 12: CHECKLIST**

*Please use the checklist below to ensure your application is complete. Incomplete applications will be returned to the licensee. Please DO NOT SEND ORIGINAL documents.*

12.1 I have attached an up to date company extract.

- Yes     No .....  Not applicable
- Reason*

12.2 New managerial officer/s have been provided with a "Managerial officer statement" to be submitted to Department of Communities within 30 days of commencement (*Help guide*, p8).

- Yes     No .....  Not applicable
- Reason*

12.3 I have attached documentary evidence of my name change.

- Yes     No .....  Not applicable
- Reason*

12.4 I confirm I have attached the following documents required for an application to modify the place (*Help guide*, p6):

- a site plan drawn to scale showing the proposed modifications
- a plan drawn to scale showing how each part of any building will be used after the modification is completed.

- Yes     No .....  Not applicable
- Reason*
- Yes     No .....  Not applicable
- Reason*

12.5 In the case of an approved construction project requiring a building licence, I understand that upon completion of the project I must forward a copy of a current Certificate of Classification relating to the place (issued under Part 5 of the *Building Regulations 1989*) to the Department for Communities.

- Upon completion of the project I will submit a current Certificate of classification to the Department for Communities, if required.
- Not applicable

**SECTION 13: DECLARATION AND AGREEMENT**

All Licensees (an if applicable, Supervising officers) **must** sign this section (Help guide p8)

**Declaration – Notification/Modification**

I/We declare that –

- all the information given in this notification/ application to modify, including any attachments, is true and correct.
- I am/We are aware penalties may be imposed in accordance with section 49 of the *Child Care Services Act 2007* for any false information given.
- I am/We are aware penalties may be imposed in accordance with the Regulations for *not* notifying the Department for Communities of any change of circumstances or fact about the licensee, the managerial officer(s), the supervising officer, or the child care service.

**Individual licensee or supervising officer – Signature**

.....  
*Name of licensee – please print*

..... / ..... / .....  
*Signature* *Date*

.....  
*Name of supervising officer – please print*

..... / ..... / .....  
*Signature* *Date*

**Declaration – Surrender**

In the case of the surrender of a licence, I/We also declare that –

- I/We surrender the licence in accordance with the Regulations and understand that upon surrender of the licence, I/We cannot operate the child care service to which the licence relates.
- I and/We are aware it is an offence (under Section 9 of the *Child Care Services Act 2007*) to operate a child care service without a valid licence.
- I/We have attached the surrendered licence to this notification form as requested.

**Body Corporate or public authority – Signature**

*To be signed by the signatory(ies) of the body corporate or public authority who can legally execute this document. In some instances, a common seal may be sufficient.*

I/We declare that I/We have been authorised by the body corporate or public authority named below to make this notification/application for and on behalf of –

.....  
*Name of body corporate or public authority – please print*

1

.....  
*Name of signatory – please print*

..... / ..... / .....  
*Signature* *Date*

**Agreement – Emergency contact**

I/We provide approval that the updated emergency contact details I/We have provided may be passed on to other government agencies with responsibilities under the *State Emergency Management Act 2005 (WA)*, the *Public Health Act 1911 (WA)* and the *Quarantine Act 1908 (Commonwealth)* to respond to state and national emergencies and disasters.

2

.....  
*Name of signatory – please print*

..... / ..... / .....  
*Signature* *Date*

Space for common seal

— PLEASE KEEP A PHOTOCOPY OF THIS APPLICATION FOR YOUR RECORDS —