



AMENDMENT APPLICATION KIT

How to apply for a service amendment

Child Care Services Act 2007

Child Care Services (Child Care) Regulations 2006

Child Care Services (Outside School Hours Care) Regulations 2006

Licence **amendment application** kit

This Amendment application kit includes:

- Help guide: How to apply for an amendment
- Licence amendment application

The **act and regulations**

The licensee is responsible for knowing and understanding the *Child Care Services (Child Care) Regulations 2006* or the *Child Care Services (Outside School Hours Care) Regulations 2006* (the Regulations). The *Amendment application* and the accompanying *Help guide* must be used in conjunction with the Regulations and the *Child Care Services Act 2007* (the Act).

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

It is essential the licensee has an up-to-date copy of the Act and Regulations from the State Law Publisher. Please refer to website, www.slp.wa.gov.au or telephone on 08 9321 7688.

Privacy statement

The Department for Communities needs the information provided in the *Amendment application* to help assess the licensee's capability to operate the service with the requested amendments. All information provided will be handled with care and will only be used for the purpose stated above.

For **more information**

For further advice and support on amendment applications, speak to a Children's Services Officer located at a local Department for Child Protection office or check our website www.childcare.wa.gov.au.

HELP GUIDE

How to apply for a licence amendment

*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

How to apply for a licence amendment

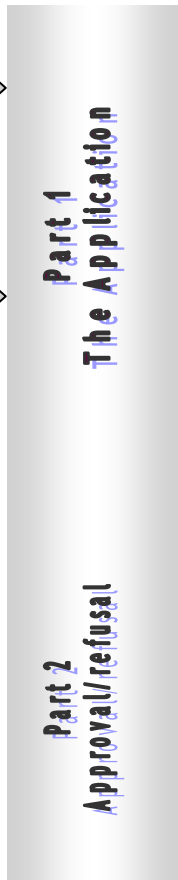
*Child Care Services (Child Care) Regulations 2006
Child Care Services (Outside School Hours Care) Regulations 2006*

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The Licence Amendment Process

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

Licence amendment in 3 easy steps



1

- The licensee must post the completed licence amendment application with the appropriate attachments to the Department for Communities.
See the Application instructions, page 8.

2

- Depending on the circumstances, the licensee may expect a monitoring visit.

3

- The licensee will receive notice, in writing, about the outcome of the licence amendment application.

Introduction

How to apply for a licence amendment

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

➤ **What is an amendment to a licence?**

A licensee may apply to amend a licence pursuant to Section 32 of the *Child Care Services Act 2007*. An amendment includes imposing any new condition and or to change or remove any existing condition. An amendment to a licence may also be initiated by the Chief Executive Officer (CEO) of the Department where special circumstances exist.

The most common examples of amendment to a licence include:

- the maximum number of children specified on the licence; or
- the hours of operation a service is licensed for.

➤ **How long will the process take to get an approval for a licence amendment?**

For a straight forward licence amendment, the licensee can expect the process to take approximately 30 days before the licensee will be notified of the final outcome. If for some reason the application has been held up, the Department for Communities will send notice to the licensee of the delay and a new time frame will be set.

➤ **How will the application to amend the maximum number of children specified in the licence be assessed?**

When changing the maximum number of children the service is licensed for, the application will be assessed against the relevant Regulations. Notably, an increase in the maximum number of children may affect other regulations that have a direct relationship to the number of children in care.

For example, those regulations dealing with the following issues may be affected by an increase in numbers:

- indoor and outdoor play areas
- bathroom/toilet facilities
- the number of exits available in the service.

In addition, a review of the exemption and compliance history will be conducted by the Department for Communities when assessing whether the service has the capability to cater for more children and still meet the relevant Regulations.

➤ **How will the application to amend the days and/or hours of operation specified in the licence be assessed?**

When changing the days and/or hours of operation, the Department for Communities will assess the application against the exemption and compliance history of the service. Additionally the Department will also consider whether any requirement set out in the Act or relevant Regulations may become contravened as a result of the new hours of operation

➤ **If a licensee amends a licence must the licensee review its public liability insurance?**

Yes. A licensee must always review its public liability insurance with the insurer any time the licensee makes a change to the service that may affect the insurance coverage. The insurer will be able to advise whether the public liability insurance must be altered to cater for any amendments made to the licence.

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

A monitoring visit may be conducted depending on the circumstances.

1. Increase in the maximum number of children specified in the licence

It may be necessary to conduct a monitoring visit if it is assessed that the current service does not have enough excess capacity to accommodate the extra child numbers.

➤ **What happens if a licence amendment application is refused?**

If the licence amendment application is refused, the licensee will be given a reason why the application did not meet the required standard. Another application may be made again if in the future it is assessed the required standard can be met.

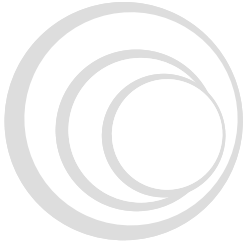
➤ **How can a review of the decision be made?**

If a licence amendment application is refused and the licensee does not agree with the reason given or is dissatisfied, the licensee may address their concerns to the Child Care Licensing and Standards Unit. If the licensee is unsatisfied with the

fairness applied to the process they may apply to the State Administrative Tribunal (SAT) within 28 days for a review of the decision. The SAT website is www.sat.justice.wa.gov.au .

➤ **Where to for more information?**

More advice and support about amending a child care licence may be obtained from a Children's Services Officer located at a local Department for Child Protection or check our website, www.childcare.wa.gov.au.



The Application

Application instructions



The *Help guide* and *Licence amendment application* must be read in conjunction with the *Child Care Services Act 2007 (the Act)* and the *Child Care Services (Child Care) Regulations 2006* or the *Child Care Services (Outside School Hours Care) Regulations 2007 (the Regulations)*.

It is important the licensee is familiar with the minimum standards prescribed by the Act and Regulations. Failure to comply with the Act and Regulations may result in an application for a licence amendment being refused, or the cancellation or suspension of an existing licence, and/or pecuniary penalties.

- All sections of the licence amendment application must be answered.
- Where a box is provided, please indicate a choice with a tick (☑) or a cross (☒).
- All relevant details and attachments must be completed and received by the Department for Communities before the licence amendment application will be assessed.
- The licence amendment application will be assessed according to the minimum standards set out in the Act and the Regulations.

Section 1: Application summary

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

➤ Contact details

Give the full name and contact details of the person to be contacted in case there are any general enquiries about the licence amendment application.

Section 2: Amendment to maximum number of children

This section outlines the criteria to be considered when making an amendment to the maximum number of children specified in the licence.

If the licensee does not wish to amend the number of children specified in the licence, the applicant can move on to Section 3.

➤ Relevant regulations

Questions 2.2 to 2.7 asks about other relevant regulatory requirements that will be affected by a change in the maximum number of children.

Where the licensee wishes to change the maximum number of children specified in the licence, the licensee must still meet the Regulations. For the application to be approved, a licensee must demonstrate the Regulations can be met with the proposed new children numbers.

Please refer to the Regulations for further details.

Section 3: Amendment to days and/or hours of operation

This section outlines the criteria to be considered when making an amendment to the days and/or hours of operation specified in the licence.

If the licensee does *not* wish to amend the days and/or hours of operation specified in the licence, the applicant can move on to Section 4.

Importantly where the licensee wishes to change the days and/or hours of operation specified in the licence, the licensee must still meet the requirements set out in the Act and Regulations. Consideration should be given for example to the supervising officer's hours and where he/she may be the supervising officer for another service that this commitment does not coincide with the new hours being applied for.

Please refer to the Regulations for further details.

Section 4: Amend or remove any other existing condition

This section asks to describe the proposed amendment or removal of any other existing condition not mentioned above.

If you do *not* wish to amend or remove any other existing condition specified on the licence, you can move on to Section 5.

Section 5: Declaration

The section asks the licensee and where applicable the supervising officer for a body corporate or public authority to declare the information provided in the application is true and correct, and that the licensee is aware of the consequences of not providing true and correct information.

All licensees and where applicable the supervising officer for a body corporate must sign this section. An authorised witness must witness (attest) the signature of the supervising officer this also includes the individual licensee.

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

Please **do not send original** documents.

Definition of authorised witness

The following is a list of people who qualify as an authorised witness to declare and attest documents in Western Australia —

Academic (post-secondary institution), Accountant, Architect, Australian consular officer, Australian diplomatic officer, Bailiff, Bank manager, Chartered secretary, Chemist, Chiropractor, Company auditor or liquidator, Court officer (Judge, magistrate, registrar or clerk), Defence force officer (Commissioned, Warrant or NCO with 5 years continuous service), Dentist, Doctor, Engineer, Industrial organisational secretary, Insurance broker, Justice of the Peace, Lawyer, Local government CEO or deputy CEO, Local government councillor, Loss adjuster, Marriage celebrant, Member of Parliament (State or

Commonwealth), Minister of Religion, Nurse, Optometrist, Patent attorney, Physiotherapist, Podiatrist, Police officer, Post officer manager, Psychologist, Public notary, Public servant (State or Commonwealth), Real estate agent, Settlement agent, Sheriff or deputy sheriff, Surveyor, Teacher, Tribunal officer, Veterinary surgeon.

—Note, Children’s Services Officers and Licensing Officers are authorised witnesses—

Post the application

Please post the completed Licence Amendment application, including all the appropriate attachments, to:

*Child Care Licensing and Standards Unit
Department for Communities
1st Floor Wellington Street, East Perth WA 6004
PO Box 6242, East Perth Business Centre, EAST PERTH WA 6892*

SECTION 2: Amendment to maximum number of children

2.1 Do you wish to amend the maximum number of children specified in your licence? Yes → Go to 2.2 No → Go to Section 3

Relevant regulations

- 2.2 Does the place have sufficient outdoor play area for the proposed new maximum number of children? Yes No
- 2.3 Does the place have sufficient indoor play area for the proposed new maximum number of children? Yes No
- 2.4 Does the place have the required bathroom/toilet facilities for the proposed new maximum number of children? Yes No (N/A for OSHC)
- 2.5 Does the service have the appropriate equipment for the proposed new maximum number of children? Yes No
- 2.6 Does the place have the required number of exits to accommodate the proposed new maximum number of children? Yes No (N/A for OSHC)
- 2.7 Will you have the minimum number of contact and qualified staff required for the proposed new maximum number of children? Yes No

2.8 State the maximum number of children that are proposed to attend the service.

- ① showing the *current* numbers
- ② showing the *proposed new* numbers

CHILD CARE CENTRE		
Age range	Current maximum number of children	Proposed maximum number of children
0-24 months		
24 months – 36 months		
36 months - older		
TOTAL number		
OUTSIDE SCHOOL HOURS CARE		
Age range	Current maximum number of children	Proposed maximum number of children
Kindergarten children		
School age children		
TOTAL number		

SECTION 3: Amendment to days and/or hours of operation - Child care centre

3.1 Do you wish to amend the days and/or hours of operation specified in your *child care* licence? Yes → Go to 3.2 No → Go to Section 4

3.2 Please state your proposed new days and/or hours of operation (*Help guide*, p9)
This table is for a child care service.

Days	Proposed new hours of operation		Three hour lunch period	
	From	To	From	To
Monday(s)				
Tuesday(s)				
Wednesday(s)				
Thursday(s)				
Friday(s)				
Saturday(s)				
Sunday(s)				

SECTION 3: Amendment to days and/or hours of operation - Outside School Hours Care

3.1 Do you wish to amend the days and/or hours of operation specified in your *Outside School Hours Care* licence?

Yes → Go to 3.2 No → Go to Section 4

3.2 Please state your proposed new days and/or hours of operation (*Help guide*, p9).

This table is for an Outside School Hours Care service

Write your opening times in the top box and your closing times in the bottom box.

Print 'Closed' next to any day(s) the service will be closed

		Days				
		Monday	Tuesday	Wednesday	Thursday	Friday
Before school care	OPEN					
	CLOSED					
After school care	OPEN					
	CLOSED					
Vacation care	OPEN					
	CLOSED					

3.3 Will you be providing care on the weekend? (*OSHC only*)

Yes → Go to 3.4 No → Go to 3.5

3.4 Please provide your hours of operation (*OSHC only*)

Saturday Sunday

3.5 Will you be providing care on pupil free days? (*OSHC only*)

Yes → Go to 3.6 No → Go to Section 4

3.6 Please provide hours of operation (*OSHC only*)

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SECTION 4: Amendment to any other existing condition

4.1 Do you wish to change or remove any other existing condition specified in the licence?

Yes → Go to 4.2 No → Go to Section 5

4.2 State in full the existing condition on your licence to be changed or removed.

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4.3 Please indicate whether the condition is to be removed entirely or changed?

Condition changed → Go to 4.4 Removed entirely → Go to 4.5

4.4 Please provide a brief description how the condition is proposed to be changed

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