

HELP GUIDE

*How to renew a child care licence
—Body corporate or public authority applicant—*

Child Care Services Act 2007

Child Care Services (Child 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

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HELP GUIDE

How to renew a licence

*Child Care Services Act 2007
Child Care Services (Child Care) Regulations 2006*

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Introduction

How to renew a child care service licence

*Child Care Services Act 2007
Child Care Services (Child Care) Regulations 2006*

➤ **When must the licence renewal be lodged?**

At the very latest, the licence renewal application must be lodged with the Department for Communities 60 days prior to the licence expiry date. If the licence renewal application is not lodged within this time frame, there is a risk of the current licence expiring before the renewal process can be finalised.

Please note however, that if the application has been lodged within the prescribed time frame and in a form approved by the Chief Executive Officer of the Department for Communities with all the required attachments and the Department cannot make a decision within the licence expiry date, the licence will continue to have effect until a decision is made on the application.

An exception to this is where the Chief Executive Officer of the Department for Communities has, in accordance with section 25 or 29 of the Act, suspended or cancelled the licence.

➤ **The service currently operates with an exemption. Does it carry forward?**

No, it will not be carried forward. Any current exemptions will expire at the end of the current licence. In special circumstances it may be appropriate to re-apply for an exemption. An application for an exemption must be made 60 days prior to the expiry of the current licence. The Child Care Licensing and Standards Unit will review the application and advise the outcome prior to the expiry of the current licence.

➤ **What happens if the licence expires?**

If the licence expires, the licensee will **not** be able to operate the child care service specified in the current licence. Importantly, it is an offence in accordance with section 9 of the *Child Care Services Act 2007*, to operate a child care service without a valid licence.

It is the licensee's responsibility to ensure the licence renewal application is lodged within 60 days of the licence expiry date.

➤ **Will there be any other notification that the licence will expire?**

No. The enclosed letter and application is the first and final warning reminding the licensee of their obligation to renew the licence. Again, it is stressed it is the licensee's responsibility to ensure the licence renewal application is lodged within 60 days of the licence expiry date.

➤ **How long will the licence renewal process take?**

For a straight forward licence renewal, from the time the licensee receives notice in writing the application has been lodged, it is reasonable to expect the process to take approximately 60 days before notification of the final outcome.

➤ **How is the licence renewal assessed?**

The licence renewal will be assessed by the Chief Executive Officer of the Department for Communities and will not be renewed unless the CEO is satisfied that —

- the applicant is capable of providing an child care service in accordance with the regulations and conditions of the licence;
- the place at which the child care service is provided is suitable for that purpose;
- a licence or equivalent authority granted or issued to the applicant has not been cancelled in the previous 5 years before the date of this application;
- the applicant is of sound financial reputation and stable financial background;
- the supervising officer or managerial officer has not been found guilty of a prescribed offence unless the CEO is satisfied there are exceptional reasons for doing so;
- a licence or equivalent authority granted or issued to the supervising officer or managerial officer has not been cancelled in the previous 5 years before this application is made;
- the supervising officer is not the supervising officer for another child care service;
- the supervising officer has the ability to supervise and control on a day-to-day basis the provision of child care service to which the application relates; and

- the supervising officer and each managerial officer are otherwise fit and proper to provide an child care service.

Importantly, the compliance history will be a significant indicator of the licensee's ability to provide a child care service that meets the requirements of the Regulations.

➤ **What happens when the Chief Executive Officer of the Department for Communities renews the licence?**

The CEO may renew the licence to provide a child care service subject to any existing condition, impose any new condition or change or remove any existing condition. The licence renewal is valid up to a maximum period of three years after which time the applicant may apply to renew the licence again.

Once the CEO renews the licence the applicant—

- may provide an child care service only from the place specified in the licence;
- may provide an child care service for the maximum number of children specified in the licence;
- must maintain familiarity with the Act and Regulations;
- must operate the service in compliance with the Regulations and any conditions imposed by the CEO;
- can expect visits by Licensing Officers from time to time to ensure the service is operating in compliance with the Act and Regulations; and
- must notify the Department for Communities of any change which affects the operation of the child care service such as modifications to the place.

➤ **Should the licensee expect a licence renewal visit?**

It is expected licensing visits will be conducted during the term of a licence. In addition a Licensing Officer may inspect the place to ensure you are meeting the requirements of the Regulations prior to the licence expiry date.

➤ **What happens if the licence renewal is refused?**

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

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

If the licence renewal application is refused and the licence renewal applicant does not agree with the licensing renewal process, the licence renewal applicant 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.

➤ **What should the licensee do if they not wish to renew the licence?**

If the licensee chooses not to renew the licence they are required to fill out Section 1, Section 2 and Section 6 of the Licence renewal application. The Licence renewal application must be lodged with the Department at least 60 days prior to the licence expiry date.

➤ **Does the supervising officer need to sit the Applicant assessment?**

Yes, upon a renewal of a licence, the supervising officer must sit the Applicant assessment. The Applicant assessment tests the supervising officers understanding of childhood development and his/her understanding and application the *Child Care Services Act 2007* and the *Child Care Services (Child Care) Regulations 2006*. The supervising officer must sit and pass the Applicant assessment *before* the renewal application can be lodged. The supervising officer must contact the Children's Services Officer responsible for the area where the child care service is located to make a time to sit his/her assessment. Please read the separate *Help guide: Applicant assessment* included in this Renewal application kit for further information.

➤ **How does the supervising officer and/or managerial officer(s) apply for a criminal record check?**

A National Police Certificate is issued by WA Police after a criminal record check is completed. This certificate lists all disclosable court outcomes recorded against a person in any Australian state or territory and is used to assist in determining whether a person is 'fit and proper' to operate a child care service. Applicants must apply (taking suitable identification evidence) in person at an Australia Post outlet. The certificate will be posted directly to applicants and a copy must be included with the licence application. For more information about a National Police Certificate please refer to the [WA Police website](http://www.wa.gov.au).

Managerial officers residing outside of Western Australia must also provide a National Police Certificate. Importantly, if these are not provided to the Department for Communities the new licence application will not be lodged.

➤ Does the supervising officer and/or managerial officer(s) need to apply for a Working with Children Check?

Yes, Supervising officers and Managerial officers must obtain a Working with Children Card (WWC Card) prior to expiry of the current licence.

Importantly, this must be undertaken without delay. Licence renewal applications cannot be processed without proof that an individual licensee, managerial officer(s) and/or nominated supervising officer has obtained a WWC card.

For advice and assistance related to applying for a WWC Card contact the Working with Children Screening Unit on telephone 6217 8100, 1800 883 979 (toll-free), or the website www.checkwwc.wa.gov.au.

➤ What is a departmental record check?

Routinely, the Department for Child Protection records any involvement a person may have with the Department. As part of a normal check to determine whether a person is fit and proper to operate a child care service that person will be subject to a departmental record check of all records the Department may hold on him/her.

The renewing or nominated Supervising officer or 'Person to act in place of' supervising officer must give written consent for the Department to carry out the departmental record check. The *Departmental record check consent form(s)* included in this Licence renewal application kit should be completed and lodged with the licence renewal application.

Where this form is not completed and included in the licence renewal application, the licence renewal application will not be lodged.

➤ How is the Departmental record check consent form completed?

The Departmental record check consent form should ideally be completed at the same time as an applicant or supervising officer sits the Applicant assessment (see *the Help guide: applicant assessment*) at a local office of the

Department for Child Protection. The Children's Services Officer, another Department for Communities/ Child Protection officer or another authorised person must sight original identification documents and witness the applicant's signature of consent for the Department to carry out the check. If any identification documents are copies, they must be certified by an authorised witness (see page 18 for a list of people who qualify as an authorised witness).

Where it is not practicable for a Department for Communities officer to do so, a Justice of the Peace or another Public Servant can sight original and sign photocopies of identification documents and witness the applicant's signature.

The types of documents accepted as evidence include:

- birth certificate (or extract), and if the name is different because of marriage, a marriage certificate
- current passport/international travel document
- citizenship certificate
- driver's licence/permit
- social security benefits ID card
- tertiary student ID card
- working with children card
- a signed written reference from a financial institution
- Medicare card

Signed photocopies of identification documents to be attached to the Departmental record check consent form.

Where Aboriginal or Torres Strait Islanders are unable to produce the above documents, two referees may be provided as proof of identity.

For more information, please read the *Departmental record check consent form* carefully, and/or speak with a local Children's Services Officer.

➤ **What does it mean when the application is lodged (made)?**

When the Department for Communities deems a licence renewal application lodged, the renewal application can then proceed to the next step of the licensing renewal process. Importantly, the Department will only accept a

licence renewal application as lodged (made), when the application, including all the appropriate attachments, is completed correctly and in full.

On receipt of a licence renewal application by the Department the licence renewal applicant will be notified in writing that either:

- the renewal application has been received in full and officially lodged, or
- the renewal application is incomplete and/or inaccurate and not considered lodged.

A licence renewal application that is incomplete, that is a renewal application that does not include all the appropriate attachments or has information outstanding, may be returned directly to the licence renewal applicant without delay or in some cases the Department will telephone the applicant for further information. In addition, the applicant will be told what needs to be added to the renewal application to be registered as lodged (made).

➤ **Who to contact for enquiries about a renewal application?**

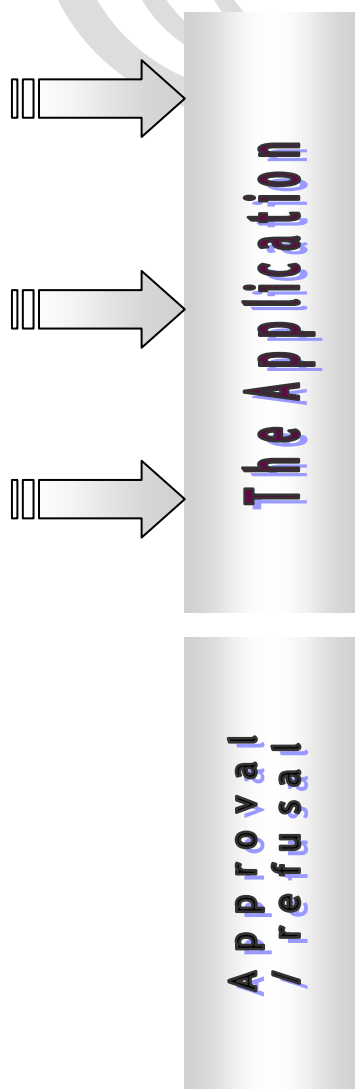
When official notice from the Department for Communities is received that the licence renewal application has been lodged, the contact details of the Licensing Officer handling the application will be included.

➤ **Where to for more information?**

More advice and support about renewal of the child care service licence may be obtained from the Children's Services Officer at the Department for Child Protection office in the region of the child care service or our website www.childcare.wa.gov.au.

Steps 1 to 4 of the licence renewal application

Child Care Services Act 2007
Child Care Services (Child Care) Regulations 2006



1

- The applicant must post the renewal application with the appropriate attachments to the Child Care Licensing and Standards Unit, Department for Communities
See Application instructions, page 10.

2

- The applicant will receive notice, in writing, the application is lodged.
Note, incomplete applications are not considered lodged.

3

- There may be a licensing visit before the licence expiry date.

4

- You will be advised of the outcome of the renewal application in writing.
If successful, you will receive the renewed licence.
- If it is proposed to refuse the licence renewal application, you will be informed of the grounds for this decision.
You may apply for a review of the proposed decision. This request must be made within 21 days of receiving the notice of proposed refusal.

Making the Application

Application instructions



The Help guide and Licence renewal application must be read in conjunction with the Child Care Services Act 2007 (the Act) and the Child Care Services (Child Care) Regulations 2006 (the Regulations).

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

- All sections of the licence renewal 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 renewal application will be lodged and then assessed.
- The licence renewal application will be assessed according to the minimum standards set out in the Act and the Regulations.



Licence renewal application form

Section 1: Contact details

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

➤ **Contact person**

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

Section 2: Child care service details

➔ Contact details

This section outlines the contact and location details of the Child care service.

➔ Renewal or non-renewal of licence

Question 2.8

Where the applicant does **not** wish to renew the licence, they need only complete –

- Section 1
- Section 2, and
- Section 6

If however, the applicant wishes to renew the licence, they must complete every section of the application, including Section 6.

Question 2.9

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 3: Licence renewal applicant details

This section outlines the details of the body corporate or public authority renewing the Child care licence.

Question 3.2 and 3.3

Where the applicant is an incorporated body and does not have an Australian Company Number please supply the number recorded on the Certificate of Incorporation.

Although all potential child care service operations are eligible for an Australian Business Number (ABN), some licence applicants may not have one. Please provide an ABN where one is available.

Question 3.7

If the licence renewal applicant is a company, please attach a *Current and historical company extract* of the company available from the Australian

Securities and Investments Commission. The company extract must be issued not more than six months from the date of application¹, and all the information included in the company extract must be current. For more information on how you can obtain a company extract visit the website, www.asic.gov.au.

Question 3.8

If the licence renewal applicant is an incorporated association, please attach a certificate of incorporation.

➤ Licence or equivalent authority cancelled

Question 3.9

The Act requires licensees to declare whether a licence or equivalent authority has been issued within five years of the date of application.

Where a licence or equivalent authority has been cancelled the licence renewal would not be issued

➤ Financial certification statement

Question 3.11

The Act requires that the Chief Executive Officer of the Department for Communities must not grant a licence unless satisfied that the applicant is of *sound financial reputation and stable financial background*. To assist in this assessment the Department requires a Financial certification statement to be completed and attached as part of the licence renewal application. The applicant or a person with knowledge of the applicant's financial status must complete the Financial certification statement included in this package.

Applicants (excluding incorporated association and public authority applicants) must provide supporting information to the Financial certification statement. Applicants must attach a credit search dated within two weeks (14 days) of the date of signing the statement and Audit opinions from the last two years, or notification that audits have not been performed. A Summary profit and loss statement (statement of income and expenditure) may also be requested. The Child Care Licensing and Standards Unit will advise if this is required.

¹ The date of application is the most recent date the Department for Communities *receives* the application. The date the application is made will occur as soon as reasonably practicable after the date of application

Section 4: Details of place

This section outlines the general details of the place.

➔ Exemptions

In special circumstances in a particular case, an exemption may apply to the child care service allowing the licensee to operate below the minimum standards set out in the Regulations.

Question 4.2 & 4.3

If there are any current exemptions in place, the applicant must include the exemption number and the exemption expiry date in the renewal application. It is important to note that all current exemptions will expire at the end of the current licence. They will not automatically be carried forward. In special circumstances, it may be appropriate to re-apply for exemptions. You must do so 60 days prior to the licence expiry date. The Child Care Licensing and Standards Unit will advise the outcome of the application prior to the expiry of the current licence.

Section 5: Checklist

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

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

Where the listed 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.

Section 6: Declaration & privacy statement

This section provides a declaration that the information provided in the application is true and correct, and highlights to the signatory(-ies) the consequences of not providing true and correct information. Additionally this section states the Department's commitment to uphold the licence renewal applicant's privacy.

All licence renewal applicants must sign this section. 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.

Post the application

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

*Child Care Licensing and Standards Unit
Department for Communities
1st Floor, 111 Wellington Street, East Perth WA 6004
PO Box 6242, East Perth Business Centre, EAST PERTH WA 6892*



Supervising officer/'Person to act in place of' renewal application form

Section 1: *Application details*

This section outlines the unique identifiers that distinguish the main application to which your details relate.

Section 2: *Notification of Supervising officer ceasing appointment*

Section 3: *Details of the applicant*

This section outlines your personal details. The applicant must complete this section personally.

➔ Experience and qualifications of supervising officer

Questions 3.14

Question 3.14 asks you to detail any courses and/or qualifications which are relevant to children's services that you may have completed since your previous application/renewal for a supervising officer

Questions 3.15

All new applicants must provide copies of any child care or equivalent training qualification(s) details any course and /or qualifications which are relevant to children's services.

A current supervising officer must provide copies of any child care or equivalent training qualification(s) that you may have completed since your previous applications/renewal for a supervising officer.

Questions 3.16

As a supervising officer you are required to have an approved current first aid qualification as a minimum, you are required to provide a copy of your current first aid qualification.

Question 3.17

Notably, if you sat your Applicant assessment under the *Child Care Services Act 2007* and the *Child Care Services (Child Care) Regulations 2006*, less than 12 months prior to the date of the application⁵, you do not have to sit it

again. Please attach the yellow copy. If not, please attach a certified copy of your original Applicant assessment receipt.

➔ **Health of the nominated applicant**

Please note any information you disclose in questions 3.18 to 3.20 will be treated in confidence.

Question 3.18

You must attach a current medical certificate confirming your ability to care for young children. You must request a medical certificate from your general practitioner. When requesting a medical certificate, please give your general practitioner the information sheet included in this Licence renewal application kit.

Notably, medical certificates must not be issued more than six months earlier than the date of application², and all information included in the medical certificate must be current and answer the points highlighted in the information sheet. Medical clearances that do not include these points will not be accepted.

➔ **Licence or equivalent authority cancelled**

Question 3.21

The Act requires all supervising officers to declare whether a licence or equivalent authority has been issued within five years of the date of application. Where a licence or equivalent authority has been cancelled in the past five years the licence would not be issued.

➔ **Referees for the applicant**

Questions 3.24 to 3.25 require you give details about your chosen referees.

You must nominate two referees — one referee for each given category listed in regulation 13 (Referees), which are:

- a referee who has experience in children's services
(Please note, this means a person who works, or has worked in the child care industry, or a person who has experience in the group care of children, e.g. child care worker, teacher, or similar.)

² The date of application is the most recent date the Department for Communities *receives* the application. The date the application is made will occur as soon as reasonably practicable after the date of application.

- a referee who is a previous employer of the subject, or who has worked with the applicant in a paid or unpaid capacity.
(Please note, this can include a current employer of more than six months, work unrelated to child care or volunteer work, e.g. at school canteen, or your church, or similar.)

Both nominated referees should —

- have known the applicant for at least six months
- be able to comment on the applicant's suitability to care for young children
- be available during business hours to speak to a Licensing Officer
- where possible, reside in Australia.

In addition, for each chosen referee, the applicant is required to provide details of the referee's:

- full name
- residential address
- contact phone numbers and if applicable, his/her email address.

In accordance with regulation 13(2), chosen referees must not be related, married or related by marriage to the applicant, or live with the applicant as a de facto partner. Additionally, a referee must not be a current employee of, or be supervised by, the applicant.

The Department will post the Referee report form to the nominated referees.

➔ Criminal record check of applicant

Question 3.26

You must have a National Police Certificate that is issued not more than six months from the date of application³.

Questions 3.28

You must give details of any convictions of a prescribed offence that you may have been charged with since your National Police Certificate was issued.

Please refer to regulation 2 (Prescribed offences) in the *Child Care Services Regulations 2007*. These regulations can be viewed online at www.slp.wa.gov.au.

³ The date of application is the most recent date the Department for Communities receives the application. The date the application is made will occur as soon as reasonably practicable after the date of application.

➔ Working with Children Check

Question 3.29

Please attach a copy of your current assessment notice or a copy of the receipt of your application for a *Working with Children Check*.

It is important that you apply for a *Working with Children Check* without delay. Licence renewal applications lodged after 1 January 2007 cannot be processed without proof that an individual licensee, managerial officer(s) and/or nominated supervising officer has obtained a WWC card.



➔ National Police Certificate and *Working with Children* check

It may take several weeks for your applications for a National Police Certificate and *Working with Children* check to be processed. Please apply for these checks **without delay**

You must have a National Police Certificate and *Working with Children* check *before* the Department can process the application.

Section 3: Checklist

This section is an important tool to help ensure your application is complete.

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

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

Please attach copies of supporting documents to the application. Please do not send original documents.

Importantly; copies of identification documents in relation to the Departmental record check consent form must be certified copies; that is, witnessed and signed by an authorised witness.

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* —

Section 4: Declaration & privacy statement

This section provides a declaration that the information provided in the application is true and correct, and highlights the consequences of not providing true and correct information. Additionally this section states the Department’s commitment to uphold your privacy.

Your signature must be witnessed by an authorised witness.



Managerial officer renewal statements

Each Managerial officer must complete a Managerial officer statement

Section 1: Application details

This section outlines the unique identifiers that distinguish the main application to which your details relate.

Section 2: Managerial officer details

This section outlines your personal details. Each managerial officer must complete a statement personally.

➔ Licence or equivalent authority cancelled

The Act requires all managerial officers to declare whether a licence or equivalent authority has been issued within five years of the date of application. Where a licence or equivalent authority has been cancelled in the last five years the licence would not be issued.

➔ Criminal record check of managerial officer

Question 2.5

As a managerial officer you must have a National Police Certificate that is issued not more than six months from the date of application.

If you do not include a current National Police Certificate or a certified copy of your current assessment notice, your licence renewal application will not be lodged.

Notably, where you possess a current assessment notice issued under the *Working with Children (Criminal Record Checking) Act 2004*, please include your assessment notice number and expiry date.

Questions 2.6 and 2.7

You must give details of any convictions of a prescribed offence that you may have been charged with since your National Police Certificate was issued.

Please refer to regulation 2 (Prescribed offences) in the *Child Care Services Regulations 2007*. These regulations can be viewed online at

www.slp.wa.gov.au.



➔ **National Police Certificate and *Working with Children* check**

It may take several weeks for your applications for a National Police Certificate and *Working with Children* check to be processed. Please apply for these checks without delay

You must have a National Police Certificate and Working with Children check *before* the Department can process the application.

Section 3: Checklist

This section is an important tool to help ensure your application is complete.

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

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

Please attach copies of supporting documents to the application. Please **do not send original** documents.

Section 4: Declaration & privacy statement

This section provides a declaration that the information provided in the application is true and correct, and highlights the consequences of not providing true and correct information. Additionally this section states the Department's commitment to uphold your privacy.

Your signature must be witnessed by an authorised witness.