

# HELP GUIDE

## *How to renew a child care licence —Individual 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 child care licence*

Child Care Services Act 2007  
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## INTRODUCTION

### *How to renew a child care licence*

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

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

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

Note however, where your renewal application has been lodged within the prescribed time frame and in a form approved by the CEO with all the appropriate attachments, and where the Department cannot make a decision within the licence expiry date, your licence will continue to have effect until a decision is made on your application.

An exception to this is where the CEO has, in accordance with section 25 or 29 of the Act, suspended or cancelled your licence.

➤ **My 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 my licence expires?**

If your licence expires, you 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 your responsibility to ensure your licence renewal application is lodged within 60 days of your licence expiry date.

➤ **Will I get any other notices my licence will expire?**

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

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

For a straight forward licence renewal, from the time you receive notice in writing your application has been lodged, you can expect the process to take approximately 60 days before you will be notified of the final outcome.

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

Your licence renewal will be assessed by the CEO and will not be renewed unless the CEO is satisfied that—

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

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

➤ **What happens when the CEO renews my licence?**

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

Once the CEO renews the licence you—

- may provide a child care service only from the place specified in your licence;
- may provide a 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 your service is operating in compliance with the 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 I 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 my licence renewal is refused?

Before your licence renewal is refused, you will be given in writing the reasons why your 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 a licence renewal application is refused and you do not agree with the reason given or are dissatisfied with the fairness applied to the licensing renewal process, you 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](http://www.sat.justice.wa.gov.au).

➤ What should I do if I do not wish to renew my licence?

If you choose not to renew your licence you are required to fill out Section 1, Section 2, Section 3 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.

➤ Do I need to sit the Applicant assessment?

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

➤ How do I get 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](#).

Importantly, if you do not provide a current National Police Certificate the Department for Communities will not process your renewal application.

➤ Do I need to apply for a *Working with Children* check?

Yes, from 1 January 2007 all individual licensees must obtain a Working with Children Check (WWC Check) 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 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](http://www.checkwwc.wa.gov.au).

➤ What is a departmental record check?

Routinely, the Department for Communities records any involvement a person may have with the Department. As part of a normal check to determine whether you are a fit and proper person to operate a child care service you will be subject to a departmental record check of all records the Department may hold on you. You must give written consent for the Department to carry out the departmental record check. The *Departmental record check consent form(s)*, included in this Renewal application kit, should be completed and lodged with your Licence renewal application. If you do not complete and include this consent form in your renewal application, the renewal application will not be lodged.

➤ How are Departmental record check consent forms completed?

The Departmental record check consent form should ideally be completed at the same time as you sit 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 officer or another authorised person must sight original and sign copies of identification documents and witness your signature of consent for the Department to carry out the check.

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 my application is lodged (made)?

When the Department for Communities deems your licence renewal application lodged, your renewal application can then proceed to the next step of the licensing renewal process. Importantly, the Department will only accept your licence renewal application as lodged (made), when your renewal application, including all the appropriate attachments, is completed correctly and in full.

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

your renewal application has been received in full and officially lodged, or your 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 you without delay or in some cases the Department will telephone you for further information. In addition, you will be told what needs to be added to your renewal application to be registered as lodged (made).

- Who should I contact for enquiries about my renewal application?

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

- Where to for more information?

More advice and support about renewal of child care licences may be obtained from Licensing Officers and/or the Children's Services Officer at the Department for Child Protection office in the region of the child care service.

## LICENCE RENEWAL IN 4 EASY STEPS

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



The Application

1

You must post your renewal application with the appropriate attachments to the Department for Communities.

*See Application instructions, page 11.*

2

You receive notice, in writing, that your renewal application is lodged.

Note, incomplete applications are not considered lodged.

3

You may expect a licensing visit before your licence expiry date.

Approval  
/ refusal

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.*



## THE RENEWAL APPLICATION PROCESS

### 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 you are familiar with the minimum standards prescribed by the Act and Regulations. Failure to comply with the Act and the Regulations may result in your 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.



## MAIN RENEWAL APPLICATION

### 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

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

### ➔ Renewal or non-renewal of licence

Question 2.8 asks you whether you wish to renew your licence or not. Should you not wish to renew your licence, you need only to answer Section 1, 2, and Section 6.

If however, you wish to renew your licence, you must answer *every* Section of the application.

### *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: Individual licence renewal applicant details**

*This section outlines the details of the individual applicant applying for the child care service licence renewal.*

### ➔ Experience and qualifications

Question 3.12 asks you to detail any courses and/or qualifications which are relevant to children's services that you may have completed since you last applied for your child care licence/ licence renewal.

Question 3.13 asks you to provide a copy of your current first aid qualifications.

### ➔ Health of individual applicant

#### *Questions 3.15 to 3.17*

As an individual licensee or supervising officer of a child care service you must notify the Department of any medical conditions that may affect your ability to effectively supervise the child care service. You must request a medical certificate from your general practitioner. When requesting a medical certificate please give the general practitioner the information sheet included in this licence renewal

Notably, medical certificates must not be issued more than six months earlier than the date of application, 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 3.18*

The Act requires all individual applicants 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.

➔ Referees for the individual applicant

*Question 3.20 & 3.21 require you to 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.)
- 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

##### *Question 3.22*

As an individual applicant you must have a current National Police Certificate that is issued not more than six months from the date of application.

##### *Question 3.23 & 3.24*

You must give details of any convictions or prescribed offences 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](http://www.slp.wa.gov.au).

#### ➔ Working with Children Check

##### *Question 3.25*

Please attach a copy of your Working with Children 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* card

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

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

#### ➔ Financial certification statement

##### *Question 3.28*

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 must provide supporting information to the Financial certification statement. You 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.

## Section 4: Details of place

This section outlines the general details of the place.

### ➔ Exemptions

In special circumstance 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 an exemption. 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 your 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 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 6: Declaration & privacy statement

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

Your application must be signed and your signature must be witnessed by an authorised witness.

### Post the application

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

Child Care Licensing and Standards Unit  
Department for Community Development  
1<sup>st</sup> Floor, 111 Wellington Street, East Perth WA 6004  
PO Box 6242, East Perth Business Centre, EAST PERTH WA 6892