

## APPENDICES

## APPENDIX A: CHILD CARE CENTRE ACT 1984

**LAWS OF MALAYSIA**  
**Act 308**  
**CHILD CARE CENTRE ACT 1984**

An Act to provide for the registration, control and inspection of child care centres and for purposes connected therewith.

[*Federal Territory Kuala Lumpur* — 1 March 1985,  
*P.U. (B) 101/1985;*  
*Sejangor* — 1 March 1985,  
*P.U. (B) 101/1985;*  
*Other States* — 1 February 1986,  
*P.U. (B) 55/1985]*

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I  
PRELIMINARY

**Short title, commencement and application**

1. This Act may be cited as the Child Care Centre Act 1984 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint and the Minister may appoint different dates for the coming into force of different parts or provisions and for different parts of Malaysia.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“authorized officer” means an officer appointed under section 13;

“child care centre” means any premises at which four or more children under the age of four years from more than one household are received to be looked after for reward;

“Director General” means the Director General of Social Welfare;

“register” means any register required to be kept under the provisions of this Act;

“registered child care centre” means a child care centre registered under section 7;

“relative” means a grandparent, brother, sister, uncle or aunt related by consanguinity;

“State Director” means the Director of Social Welfare of a State and includes the Director of Social Welfare of the Federal Territory of Kuala Lumpur, the Federal Territory of Labuan and the Federal Territory of Putrajaya respectively;

### **Exemptions**

3. (1) This Act shall not apply to—

- (a) any government hospital or private hospital licensed under the Private Healthcare Facilities and Services Act 1998 [Act 586];
- (b) any institution exempted from the provisions of this Act by the Director General;
- (c) any kindergarten or nursery school which is registered under the Education Act 1996 [Act 550];
- (d) any child care centre or any children’s home established or run by the Federal Government or a State Government.

(2) This Act shall not apply to the reception of a child by a relative.

## **PART II**

### **REGISTRATION OF CHILD CARE CENTRES**

#### **All child care centres to be registered**

4. Subject to the provisions of this Act, every child care centre shall be registered under this Act.

#### **Categories of child care centres**

5. There shall be four categories of child care centres as follows:

- (a) home based child care centre which is a child care centre which receives less than ten children into the homes of the person registered under section 7;
- (b) work place based child care centre which is a child care centre at a work place which receives ten or more children.

(c) community based child care centre which is a child care centre which receives ten or more children in a particular area and which receives aid from the Federal Government or a State Government; and

(d) institution based child care centre which is a child care centre other than a child care centre under paragraphs (a), (b) and (c) which receives ten or more children.

### **Prohibition of unregistered child care centres**

6. (1) No person shall operate or take part in the management of a child care centre which is not registered under the provisions of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both and in the case of a second or subsequent offence, to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

### **Registration**

7. (1) Application for registration in respect of a child care centre shall be made to the Director General in the prescribed form.

(2) The Director General may in his discretion register or refuse to register the applicant in respect of the child care centre named in the application.

(3) The Director General may in his discretion register or refuse to register any child care centre.

### **Terms and conditions to be imposed**

8. The Director General may register any child care centre subject to the following—

(a) limiting the number of children who may be received in such child care centre at any one time;

(b) ensuring that the applicant or any other person he employs at the child care centre is a fit and proper person, whether by reason of age or otherwise, to operate, take part in the management of or be employed at the child care centre;

(c) ensuring that such child care centre shall be adequately staffed, both as regards the number and the qualifications or experience of the persons employed therein or taking part in the conduct thereof;

(d) ensuring that such child care centre shall be adequately and suitably equipped and maintained;

(e) ensuring that, where any children are received in any child care centre and remain there for a continuous period exceeding four hours in any one day, there shall be adequate and suitable arrangement for feedings, resting and recreation for such children and that adequate and balanced diet shall be provided;

(f) complying with any requirement relating to the structure, fire precautions, health, sanitation and safety;

(g) any other conditions which the Director General deems fit and proper.

### **Register to be kept**

**9.** (1) The Director General shall cause to be kept, in such form as he may specify, a register of child care centres registered under this Act containing—

(a) the name and address of every person registered in respect of any child care centre;

(b) the name and address of every registered child care centre; and

(c) such other particulars as the Director General thinks fit.

(2) A copy of an entry in the register purporting to be certified under the hand of the Director General shall, until the contrary is proved, be admitted in evidence as proof of the facts stated therein as at the date of such certified copy.

### **Inspection of register kept**

**10.** Any person may, on application in writing to the Director General and on payment of a prescribed fee, inspect the register kept under section 9 during office hours.

### **Certificate of registration**

**11.** (1) Where any child care centre is registered, the Director General shall upon payment of a prescribed fee issue a certificate of registration in the prescribed form in respect of such child care centre, and such certificate shall specify the address of the child care centre to which the registration relates and also any conditions imposed under the provisions of this Act.

(2) A certificate of registration shall be issued to, and in the name of the person who made the application therefor, and shall not be transferable to any other person.

(3) Every certificate of registration issued under the provision of this section shall be valid for sixty calendar months.

(4) Where any change occurs in any of the circumstances particulars of which are specified in a certificate issued under the provisions of this section, the person to whom such certificate was issued shall, within fourteen days, notify the Director

General in writing accordingly, and the Director General shall issue an amended certificate in lieu of the original certificate.

(5) A copy of the certificate of registration issued by the Director General under this section shall be exhibited in a conspicuous place in the premises specified in the certificate of registration.

(6) Upon ceasing to operate a child care centre, the person to whom the certificate of registration has been issued shall surrender the certificate to the Director General within one month from the date of such cessation.

### **Interpretation**

**11A.** For the purposes of this Part, the Director General includes the State Director.

## PART III CANCELLATION OF REGISTRATION

### **Cancellation of registration**

**12.** The Director General may cancel the registration made under section 7—

(a) wherever there has been any contravention of or non-compliance with any conditions imposed in respect of any registration made under this Act;

(b) where there has been any failure to notify any change of circumstances in accordance with the provisions of subsection 11(4);

(c) on the ground that the person to whom the certificate of registration has been issued has been convicted of any offence under this Act or any offence involving moral turpitude;

(d) if it appears to him that—

- (i) the child care centre has ceased to be operated as such or to exist; or
- (ii) such person has ceased to operate that child care centre.

## PART IV APPOINTMENT OF AUTHORIZED OFFICERS

### **Appointment of officers**

**13.** The Minister may by notification in the *Gazette* appoint such number of officers as he may consider necessary for the purposes of this Act.

### **Powers of the Director General and authorized officers**

**14.** The Director General and any authorized officer may from time to time enter and inspect any premises used for the purposes of a child care centre for the purpose of ensuring that—

- (a) the health and well-being of the children or employees therein are satisfactory;
- (b) the registers, records, time-tables, menus, books of accounts are properly maintained;
- (c) adequate and suitable equipment are provided therein;
- (d) the structure, hygiene and sanitation are maintained;
- (e) adequate precautions are taken against fire or other peril likely to endanger the lives or health of children cared for therein.

PART IV  
MISCELLANEOUS

**Director General to give written directions**

**15.** (1) The Director General may, in respect of any registered child care centre, give such directions in writing as he thinks necessary to ensure that—

- (a) the centre is operated and managed satisfactorily;
- (b) the welfare of the children attending the centre is promoted in a proper manner;
- (c) adequate apparatus and equipment necessary as safeguards against fire are provided therein; and
- (d) the provisions of this Act are complied with.

(2) A direction under subsection (1) —

- (a) shall be served upon the person registered in respect of the child care centre; and
- (b) shall specify a period of time within which the directions shall be complied with.

**Order for temporary closure of child care centres**

**16.** (1) The Director General may—

- (a) if it appears to him that there is any danger or risk of danger to persons in any premises of a registered child care centre; or
- (b) if, in respect of any such premises a direction given under section 15 is not complied with within the period of time specified in the notice served thereunder, by order in writing direct that the premises shall cease to be used as a child care centre for such period as he thinks fit or until further notice.

(2) Any order under this section shall be served on the person registered in respect of the child care centre, and shall take effect from the date of service thereof.

(3) It shall be sufficient service of any order under this section if—

- (a) it is delivered personally to the person on whom it is served;
- (b) it is sent by registered post to the last known address of that person; or
- (c) a copy thereof is posted in a conspicuous place upon or in the premises to which it relates.

### **Offences and penalties**

17. Any person who—

- (a) operates or takes part in the management of a child care centre in any premises other than premises specified in the certificate of registration of the child care centre;
- (b) in or in connection with any application under this Act makes any statement or furnishes information, whether such statement be oral or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular;
- (c) obstructs the Director General or any authorized officer in the exercise of any of his powers under this Act;
- (d) refuses to produce any book, document or other article upon being so required under section 20, or, when so required, furnishes information which is false in material particular and which he knows or reasonably ought to know is false in such particular;
- (e) operates or takes part in the management of a child care centre which is operated in any name other than the name in which it is registered;
- (f) fails to comply with an order served on him under section 16;
- (g) fails to notify the Director General of any change that occurs in any of the circumstances particulars of which are specified in the certificate in accordance with subsection 11(4);
- (h) fails to cause a copy of the certificate of registration to be exhibited in accordance with subsection 11(5); or
- (i) fails to surrender the certificate of registration upon ceasing to operate a child care centre in accordance with subsection 11(6),

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Offences by body corporate, etc**

**17A.** Where an offence under this Act or any regulations made under this Act has been committed by a body corporate, partnership or society—

(a) in the case of a body corporate, any person who was a director, manager, secretary or other similar officer of the body corporate at the time of the commission of the offence;

(b) in the case of a partnership, every partner in the partnership at the time of the commission of the offence; or

(c) in the case of a society, every office-bearer of the society at the time of the commission of the offence, maybe charged severally or jointly in the same proceedings as the body corporate, partnership or society and shall be deemed to have committed the offence unless he proves that the offence was committed without his knowledge or connivance or that he had taken all reasonable precautions or that he had exercised due diligence to prevent the commission of the offence.

### **Presumption**

**18.** In any prosecution for any offence under this Act, if it is proved that any person did any act in connection with the organization or operation of a child care centre, it shall be presumed, until the contrary is proved, that such person took part in the management of such child care centre.

### **Existing child care centres**

**19.** Any person who manages or maintains a child care centre at the date of coming into force of this Act shall within a period of six months from the date of such commencement apply to the Director General in the prescribed form for the issue of a certificate of registration.

### **Power to enter and inspect premises**

**20.** (1) The Director General or any authorized officer shall have power to enter at any reasonable time any premises reasonably suspected of being used for the purpose of a child care centre without registration or where he has any reasonable grounds for believing that there has been contravention of the provisions of this Act and shall inspect such premises to make any inquiry which he considers necessary.

(2) In the course of inspection under this section the Director General or any authorized officer may—

(a) put questions concerning the management of the child care centre to the person registered under this Act and to any other person in charge of the child care centre whose evidence he may consider necessary, and all such persons shall be legally bound to answer such questions truthfully to the best of their ability;

(b) require the person in charge to produce before him all or any of the records required to be kept under this Act; and

(c) seize or take copies of any record produced before him under paragraph (b).

(3) Any person may refuse to comply with any demand or order by an authorized officer acting or purporting to act under this Act if such officer refuses on demand to declare his identity or produce a letter of authorization, as the case may be.

#### **Power to seal**

**20A.** (1) Where the Director General or any authorized officer has reasonable cause to believe that any house, building, premise or other place is being used as a child care centre which is not registered under the provisions of this Act the Director General or the authorized officer may take such steps as he may deem necessary or by any means seal such child care centre.

(2) The person using the house, building, premise or place as a child care centre which has been sealed shall—

(a) within twenty-one days of such seal produce to the Director General or the authorized officer the certificate of registration of the child care centre; and

(b) bear any cost incurred arising out of such action.

(3) The seal shall be removed if—

(a) such person complies with the requirement of subsection (2); or

(b) an order of the court is obtained against such person for him to cease using the house, building, premise or place as a child care centre, whichever is the earlier.

(4) The Director General or the authorized officer acting under this section shall not be liable for any cost arising out of such action or damages to the house, building, premise or place sealed under this section unless such damage was wilfully done.

(5) Any action taken under this section in respect of any house, building, premise or other place shall not prohibit the prosecution of any person using such house, building, premise or place as a child care centre in contravention of this Act.

#### **Institution of prosecution**

**21.** No prosecution for an offence under this Act or any regulations made under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

#### **Compounding of offences**

**21A.** (1) The Director General may, with the consent of the Public Prosecutor, compound any offence committed by any person against this Act or any regulations made under this Act by making a written offer, in the form as may be prescribed, to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Director General of an amount of money not exceeding

fifty per centum of the amount of maximum fine for that offence within the time specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time as specified in the offer, or within such extended period as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) Where the offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made.

### **Appeal**

**22.** Any person aggrieved by the decision of the Director General under this Act shall within thirty days of the notification of such decision appeal in writing to the Minister whose decision shall be final and shall not be questioned in any court of law on any ground.

### **Regulations**

**23.** (1) The Minister may make regulations to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:

(a) the operation, management and supervision of child care centres;

(b) the duties and responsibilities of persons registered in respect of child care centres;

(c) the qualifications, experience, appointment, duties, responsibilities and discipline of persons for the purposes of the operation, management and supervision of child care centres;

(d) the health and nutrition care of the children cared for in child care centres;

(e) the registration of child minders employed in child care centres;

(f) the keeping and maintenance of such registers pertaining to children, in such form as the Minister deems fit;

(g) the prescribing of the minimum requirements for child care centres to be used for the reception of children and to provide for the minimum sanitary requirements, water supplies and other matters pertaining to health in respect of such buildings;

(h) the prescribing of the minimum equipment;

- (i) the prescribing of forms to be used and the information to be furnished for any of the purposes of this Act;
- (j) the granting of certificates and the issue of copies of the certificates in the case of the certificates being lost or destroyed;
- (k) the fees to be paid under this Act;
- (l) the prescription of anything which is required to be or which may be prescribed under the Act.

**Provision to allow reception of children above the age of four years**

**24.** Notwithstanding anything contained in this Act the Director General may, on the application of the person registered in respect of a child care centre, allow that the said child care centre receive children above the age of four years, subject to such further terms and conditions which the Director General may deem necessary.

## APPENDIX B: CHILD CARE CENTRE REGULATIONS 2012

CHILD CARE CENTRE ACT 1984  
Child Care Centre Regulations 2012

In exercise of the powers conferred by section 23 of the Child Care Centre Act 1984 [Act 308], the Minister makes the following regulations:

### Part I PRELIMINARY

#### Citation and commencement

1. (1) These regulations may be cited as the **Child Care Centre Regulations 2012**.
- (2) These Regulations come into operation on 1 January 2013.

#### Non-application

2. These Regulations shall not apply to a child care centre established—
  - (a) by a foreign embassy or foreign firm; and
  - (b) specifically for the benefits of non-citizens.

#### Interpretation

3. In these Regulations—

“care” means—

- (a) minding, supervising and educating a child at a child care centre;
- (b) providing adequate and suitable arrangement for feeding, nutrition, resting and recreation for a child at a child care centre; and
- (c) ensuring that the health and well-being of a child at a child care centre is satisfactory;

“Health Department” means—

- (a) the Health Department or a District Health Office under the Ministry of Health Malaysia; or

(b) a health department under a local authority;

“Basic Child Care Course” means the Basic Child Care Course recognized by the Department of Social Welfare;

“PERMATA Early Child Care and Education Course” means a course which applies the National Early Childhood Care and Education Curriculum approved by the Cabinet and adopted by the Department of Social Welfare;

“medical officer” means a registered medical practitioner who is employed by the Federal Government or State Government;

“employee” means any person employed or appointed by an operator under subregulation 21(1) including a person employed or appointed to prepare food for a child care centre other than a manager, supervisor, child care provider and registered child care provider;

“Protector” has the meaning assigned to it in the Child Act 2001 [Act 611];

“child care provider” means a child minder referred to in paragraph 23(2)(e) of the Act who is employed or appointed by an operator under subregulation 14(3) to provide care for a child at a child care centre but—

(a) has not attended the PERMATA Early Child Care and Education Course; and

(b) is not registered with the Director General under regulation 16; “registered child care provider” means a child minder referred to in paragraph 23(2)(e) of the Act who is employed or appointed by an operator under subregulation 14(1) to provide care for a child at a child care centre and is registered with the Director General under regulation 16;

“manager” means a person employed or appointed by an operator under subregulation 10(1) to manage the operation of a work place based, community based or institution based child care centre;

“operator” means a registered person in respect of a child care centre under section 7 of the Act who operates the child care centre;

“infectious disease” has the meaning assigned to it in the Prevention and Control of Infectious Diseases Act 1988 [Act 342];

“supervisor” means a person employed or appointed by an operator under subregulation 12(1) to supervise the care of a child by a child care provider or registered child care provider.

### **Application for registration**

4. (1) An application for the registration of a child care centre under section 7 of the Act shall be made to the Director General in Form A of the First Schedule by the following persons:

(a) in relation to a home based child care centre, the operator of the home based child care centre;

(b) in relation to a work place based child care centre, the operator, manager or any person authorized by the operator of the work place based child care centre; and

(c) in relation to a community based or institution based child care centre, the operator or any person authorized by the operator of the community based or institution based child care centre.

(2) For the purpose of registration under subregulation (1), the Director General or any authorized officer may—

(a) require the applicant to submit any additional information as the Director General deems necessary; and

(b) enter and inspect the child care centre to ensure that— (i) the child care centre complies with all requirements relating to the structure of the premises, prevention of fire, health, sanitation and safety of a child; and

(ii) the child care centre is sufficiently and suitably equipped and maintained.

(3) Where the applicant fails to submit any additional information under paragraph (2)(a) within such period as may be specified by the Director General, or such extended period granted by the Director General, the application shall be deemed to have been withdrawn but with liberty to file afresh.

### **Certificate of registration**

5. (1) Upon being satisfied that the conditions for registration of a child care centre have been complied with and upon payment of a fee as specified in item 1 of the Second Schedule, the Director General shall issue a certificate of registration under section 11 of the Act to the applicant in Form B of the First Schedule.

(2) The certificate of registration shall be renewed every sixty calendar months.

(3) An operator may apply to the Director General for the renewal of a certificate of registration in Form C of the First Schedule.

(4) Upon receipt of the application and payment of a fee as specified in item 2 of the Second Schedule, the Director General shall renew the certificate of registration in Form B of the First Schedule and issue the certificate of registration to the operator.

(5) Where—

(a) there is any change to the particulars specified in the certificate of registration issued by the Director General; or

(b) the certificate of registration is lost or damaged,

the operator shall apply to the Director General for the issuance of a new certificate of registration in Form C of the First Schedule within fourteen days of such change, or lost or damaged.

(6) Upon receipt of the application and payment of a fee as specified in item 3 of the Second Schedule, the Director General shall issue a new certificate of registration in Form B of the First Schedule to the operator.

(7) A certificate of registration shall be displayed at a conspicuous place at a child care centre.

#### **Name of a child care centre**

6. (1) A child care centre shall use at the beginning of its name—

(a) in relation to a home based child care centre—

(i) the words “TASKA DI RUMAH” if the child care centre uses the national language for its name; or

(ii) the words “HOME BASED CHILD CARE CENTRE” if the child care centre uses the English language for its name; and

(b) in relation to a work place based, community based or institution based child care centre—

(i) the word “TASKA” if the child care centre uses the national language for its name; or

(ii) the words “CHILD CARE CENTRE” if the child care centre uses the English language for its name.

(2) The name of a child care centre shall be as registered and approved by the relevant authority.

#### **Signboard**

7. (1) An operator shall cause a signboard to be fixed at a conspicuous place at the work place based, community based or institution based child care centre subject to any written law regulating signboards and advertisements.

(2) A signboard of a child care centre referred to in subregulation (1) shall display the following:

- (a) the name of the child care centre;
- (b) the reference number of the registration approval of the child care centre; and
- (c) the complete address and telephone number of the child care centre.

### Part III OPERATOR OF A CHILD CARE CENTRE

#### **Qualifications of an operator**

8. (1) All categories of child care centres shall have an operator.
- (2) An operator of a child care centre shall be a person who—
- (a) is eighteen years of age and above; and
  - (b) has passed the PERMATA Early Child Care and Education Course.
- (3) Where the operator of a child care centre is a body corporate—
- (a) at least one of the directors is a Malaysian citizen;
  - (b) all of the directors shall be eighteen years of age and above; and
  - (c) at least one of the directors has passed the PERMATA Early Child Care and Education Course.
- (4) Where the operator of a child care centre is a partnership—
- (a) at least one of the partners is a Malaysian citizen;
  - (b) all of the partners shall be eighteen years of age and above; and
  - (c) at least one of the partners has passed the PERMATA Early Child Care and Education Course.
- (5) Where the operator of a child care centre is a society—
- (a) at least one of the office-bearers is a Malaysian citizen;
  - (b) all of the office-bearers shall be eighteen years of age and above; and

(c) at least one of the office-bearers has passed the PERMATA Early Child Care and Education Course.

### **Duties of an operator**

9. (1) An operator shall have the following duties:

(a) to immediately inform the parent or guardian of a child if the child needs medical treatment;

(b) to immediately refer a child to a medical officer to obtain immediate treatment if the operator believes that there is an epidemic or infectious disease which may be a threat to the health of the child;

(c) to employ or appoint a manager, a supervisor, a child care provider or registered child care provider, and an employee who has no criminal records relating to moral turpitude, sexual wrongdoing or abuse of a child at a child care centre;

(d) to ensure that the management of a child care centre complies with the requirements of any written law relating to the structure of the premises, prevention of fire, health, sanitation and safety of a child; and

(e) to comply with all conditions imposed by the Director General under section 8 of the Act.

(2) An operator shall submit the list of the manager, supervisor, child care provider, registered child care provider and employee of the child care centre, as the case may be, to the Director General within thirty days of the registration of the child care centre.

(3) An operator shall inform the Director General of any change in the list submitted to the Director General under subregulation (2) within fourteen days from the date of such change.

(4) An operator who fails to comply with subregulation (1), (2) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## Part IV MANAGER OF A CHILD CARE CENTRE

### **Qualifications of a manager**

10. (1) An operator of a work place based, community based or institution based child care centre shall employ or appoint a manager for the child care centre.

(2) A manager shall be a person who—

(a) is a Malaysian citizen;

(b) is eighteen years of age and above; and

(c) has passed the PERMATA Early Child Care and Education Course.

#### **Duties of a manager**

11. (1) A manager shall have the following duties:

(a) to manage the administrative affairs of a work place based, community based or institution based child care centre;

(b) to undergo medical examination within one month after being employed or appointed as a manager of a work place based, community based or institution based child care centre; and

(c) to comply with all conditions imposed by the Director General under section 8 of the Act.

(2) A manager who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### Part V SUPERVISOR OF A CHILD CARE CENTRE

#### **Qualifications of a supervisor**

12. (1) An operator of a work place based, community based or institution based child care centre shall employ or appoint a supervisor for the child care centre.

(2) A supervisor shall be a person who—

(a) is a Malaysian citizen;

(b) is eighteen years of age and above; and

(c) has passed the PERMATA Early Child Care and Education Course.

#### **Duties of a supervisor**

13. (1) A supervisor shall have the following duties:

(a) to supervise the child care providers, registered child care providers and employees of a child care centre;

(b) to coordinate all activities planned at a child care centre;

(c) to immediately inform the operator, or if the operator is not available, the parent or guardian of a child, if the child needs medical treatment;

(d) to immediately inform the operator, or if the operator is not available, to immediately refer a child to a medical officer to obtain immediate treatment, if the supervisor believes that there is an epidemic or infectious disease which may be a threat to the health of the child;

(e) to ensure that—

(i) the meal for a child is prepared and made in accordance with the diet scale as specified in the Fourth Schedule; and

(ii) a child is fed in accordance with the feeding methods as specified in the Fifth Schedule;

(f) to undergo medical examination within one month after being employed or appointed as a supervisor of a child care centre; and

(g) to comply with all conditions imposed by the Director General under section 8 of the Act.

(2) A supervisor who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

#### Part VI

### CHILD CARE PROVIDER AND REGISTERED CHILD CARE PROVIDER OF A CHILD CARE CENTRE

#### **Qualifications of a child care provider and registered child care provider**

14. (1) Subject to subregulation (3), an operator shall employ or appoint such number of registered child care providers for a child care centre.

(2) A registered child care provider shall be a person who—

(a) is a Malaysian citizen;

(b) is eighteen years of age and above;

(c) has passed the PERMATA Early Child Care and Education Course; and

(d) is registered as a registered child care provider under regulation 16.

(3) An operator may employ or appoint a child care provider who does not fulfill the qualifications referred to in paragraphs (2)(c) and (d) provided that the child care provider—

(a) attends and passes the PERMATA Early Child Care and Education Course; and

(b) is registered with the Director General under regulation 16, within twelve months after being employed or appointed as a child care provider.

(4) An operator who fails to comply with subregulation (1) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

#### **Duties of a child care provider and registered child care provider**

15. (1) A child care provider and registered child care provider shall have the following duties:

(a) to look after a child according to the tasks assigned by the operator, manager or supervisor;

(b) to feed a child according to the diet scale as specified in the Fourth Schedule and the feeding methods as specified in the Fifth Schedule;

(c) to conduct indoor or outdoor activities of a child care centre as planned by the supervisor;

(d) to ensure that the safety of a child is always protected while conducting activities in paragraph (c);

(e) to immediately inform the operator, manager or supervisor, as the case may be, or if the operator, manager or supervisor is not available, the parent or guardian of a child, if the child needs medical treatment;

(f) to immediately inform the operator, manager or supervisor, as the case may be, or if the operator, manager or supervisor is not available, to immediately refer a child to a medical officer to obtain immediate treatment, if the child care provider or registered child care provider believes that there is an epidemic or infectious disease which may be a threat to the health of the child;

(g) to prepare a report on the development of a child every three months to the supervisor and to furnish a copy of the report to the parent or guardian of the child;

(h) to obtain the relevant immunization injection as recommended by the Health Department; and

(i) to undergo medical examination within one month after being employed or appointed as a child care provider or registered child care provider at a child care centre.

(2) The duties referred to in paragraphs (1)(c) and (g) shall not apply to a child care provider or registered child care provider of a home based child care centre.

(3) A child care provider or registered child care provider who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **Registration of a child care provider**

16. (1) Subject to subregulation 14(3), all child care providers shall be registered with the Director General.

(2) A person shall apply for registration as a registered child care provider to the Director General in Form D of the First Schedule.

(3) Upon receipt of the application under subregulation (2), the Director General may register or refuse to register the person as a registered child care provider.

(4) The Director General may refuse to register a person as a registered child care provider if the Director General is satisfied that—

(a) the person is an unfit person either due to the factor of age, health or qualification; or

(b) the person has been convicted of an offence relating to moral turpitude, sexual wrongdoing or abuse of a child.

### **Revocation of registration**

17. The Director General may revoke the registration of a child care provider as a registered child care provider under regulation 16 if—

(a) the registration of the registered child care provider under regulation 16 has been obtained by fraud or misrepresentation;

(b) the registered child care provider has been convicted of an offence under the Act or these Regulations or an offence relating to moral turpitude, sexual wrongdoing or abuse of a child;

(c) ordered by the court to revoke the registration of the registered child care provider;

- (d) the registered child care provider is of unsound mind;
- (e) the registered child care provider dies; or

(f) an application for revocation of registration is submitted by the registered child care provider personally.

### **Ratio**

18. (1) An operator shall ensure that the ratio for a child care provider and a registered child care provider to a child in a child care centre is in accordance with the ratio as specified in the Third Schedule.

(2) For the purpose of calculating the ratio under subregulation (1)—

(a) in relation to a work place based, community based or institution based child care centre, an operator, a manager, a supervisor and an employee of the child care centre shall not be regarded as a child care provider or registered child care provider; and

(b) in relation to a home based child care centre, an operator may be regarded as a child care provider or registered child care provider.

### **Register of child care providers and registered child care providers**

19. An operator or a supervisor shall keep and maintain a register of child care providers and registered child care providers in Form E of the First Schedule which shall contain the name, address and any other details as deemed necessary by the Director General.

### **Inspection of register**

20. (1) A person may apply in writing to the Director General for inspection of the register of child care providers and registered child care providers.

(2) Upon receipt of the application under subregulation (1) and payment of a fee as specified in subitem 4(a) of the Second Schedule, the Director General shall allow the applicant to inspect the register.

(3) A person may apply in writing to the Director General for a copy of an entry in the register certified by the Director General to be provided to him.

(4) Upon receipt of the application under subregulation (3) and payment of a fee as specified in subitem 4(b) of the Second Schedule, the Director General shall provide the certified copy of the entry to the person.

(5) A copy of an entry in the register which has been certified by the Director General shall, unless the contrary is proved, be admitted in evidence as proof of the facts stated therein as at the date of such certification.

## EMPLOYEE OF A CHILD CARE CENTRE

### Qualifications of an employee

21. (1) An operator shall employ or appoint such number of employees at a child care centre.

(2) An employee shall be a person who—

(a) is eighteen years of age and above; and

(b) in relation to an employee who handles food, has a certificate of immunization issued by a medical officer for the immunization injection as recommended by the Health Department.

### Duties of an employee

22. (1) An employee shall have the following duties:

(a) to carry out the tasks assigned by the operator, manager or supervisor properly;

(b) to ensure the safety of the child care centre if the employee is employed or appointed as a security guard; and

(c) to undergo medical examination within one month after being employed or appointed as an employee at a child care centre.

(2) An employee who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## Part VIII

### PARENT OR GUARDIAN OF A CHILD

#### Duties of parent or guardian of a child

23. A parent or guardian of a child cared for at a child care centre shall have the following duties:

(a) upon admission of a child to a child care centre, to notify the operator, manager, supervisor, child care provider or registered child care provider, as the case may be, regarding—

- (i) the allergies of the child, if any; and
  - (ii) any injury suffered by the child prior to the admission of the child to a child care centre;
- (b) to take immediate action for medical treatment of the child when so notified by the operator, supervisor, child care provider or registered child care provider under paragraph 9(1)(c), 13(1)(d) or 15(1)(e); and
- (c) not to bring the child to the child care centre if the child has an infectious disease.

**Parent or guardian to be informed on conditions of a child**

24. An operator, a manager, a supervisor, a child care provider or a registered child care provider, as the case may be, shall inform the parent or guardian of a child every six months on the following matters:

- (a) the growth and development of the child;
- (b) the participation level of the child in daily activities at a child care centre;
- (c) the behaviour of the child at a child care centre;
- (d) the health and personal hygiene of the child;
- (e) the meals and nutrition of the child; and
- (f) the safety of the child.

Part IX

PREMISES AND EQUIPMENT OF A CHILD CARE CENTRE

**Premises for home based child care centre**

25. An operator of a home based child care centre shall conduct the operation of the child care centre at his residential premises only.

**Renovation of premises, etc.**

26. (1) An operator shall inform the Director General in writing if there is—

- (a) any alteration to the structure of the premises where the child care centre is located;

- (b) any alteration or addition to the washroom facilities of a child care centre;
  - (c) any alteration in the ventilation or lighting system of a child care centre; and
  - (d) any partitioning of any existing room or space in the child care centre premises for purposes which are not related to child care activities.
- (2) An operator who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **Floor area**

27. (1) The minimum required floor area for each child at a child care centre shall be as follows:

- (a) for a home based child care centre, at least 2.5 square metres; and
- (b) for a work place based, community based or institution based child care centre, at least 3.5 square metres.

(2) For the purpose of computing the floor area under subregulation (1), the floor area shall not include—

- (a) in relation to a home based child care centre, the rooms occupied by the family members of the operator, store room, kitchen, pantry and washroom;
- (b) in relation to a work place based, community based or institution based child care centre, a store room, kitchen, pantry, office, washroom and the rooms used by the operator, manager, supervisor, child care provider, registered child care provider or employee for purposes not related to child care activities; and
- (c) any other area within a child care centre which the Director General thinks unsuitable to be included as part of the floor area.

### **Kitchen or pantry**

28. An operator shall provide a kitchen or pantry in a room, or in an isolated area or concealed place, separate from the rooms or areas used for child care activities.

### **Washroom, etc.**

29. (1) An operator shall provide a washroom and facilities for laundering and bathing in a child care centre for the use of a child, manager, supervisor, child care provider, registered child care provider or employee of the child care centre.

(2) The washroom and facilities for laundering and bathing provided in a child care centre shall be appropriate and safe to be used by a child and if required by the Director General, partitions shall be constructed by the operator to ensure the safety of the child.

(3) Each work place based, community based or institution based childcare centre shall have at least one washroom for ten children.

(4) A washroom at all child care centres—

(a) shall be maintained in clean condition at all times; and

(b) shall not be used for any other purposes.

**Electrical wiring, etc.**

30. (1) An operator, a manager or a supervisor shall take reasonable measures to ensure that electrical wiring including the switch, socket, wiring connection and other matters relating to electrical wiring are in good condition and safe for the children.

(2) An operator, a manager or a supervisor who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

**Maintenance, etc. of child care centre premises**

31. (1) An operator, a manager or a supervisor shall maintain the premises of a child care centre properly.

(2) The paint used for a child care centre shall be suitable and safe for a child.

(3) An operator shall construct a suitable partition wherever appropriate at a child care centre in such manner so as to ensure the safety of a child.

(4) An operator shall ensure that the premises used as a child care centre has a good ventilation and lighting system.

**Equipment to be provided at a child care centre**

32. (1) Subject to subregulation (3), an operator shall provide the following equipment for the use of a child at a child care centre:

(a) the bedding equipment which includes a mattress, pillow, bed sheet, pillow case and blanket;

(b) the furniture including interior decorations;

(c) sufficient number of toys and other equipment for play activities; and

(d) any other appropriate equipment for the use of a child as determined by the Director General.

(2) An operator shall provide toys and other equipment for play activities which are capable of providing a child the opportunity to apply the senses of adventure, invention, coordination and imagination in the play activities.

(3) The requirement of the equipment referred to in paragraphs (1)(b) and (c) shall not apply to a home based child care centre.

### **Cleanliness and safety of equipment**

33. An operator, a manager or a supervisor shall ensure that the equipment referred to in regulation 32—

(a) are maintained in clean condition;

(b) are suitable according to the development level of a child including the age and needs of the child; and

(c) are safe for a child.

### **Cradle or child cot**

34. (1) An operator may provide a cradle or child cot for a child at a child care centre.

(2) For the purpose of subregulation (1), the operator shall not provide any form or type of cradle or child cot that is operated by way of swinging or shaking.

(3) An operator who fails to comply with subregulation (2) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## **Part X**

### **SAFETY AND PREVENTION OF FIRE**

#### **Advice on prevention of fire**

35. (1) An operator shall obtain advice from the Fire and Rescue Department on prevention of fire from time to time and shall comply with such advice.

(2) Without prejudice to the generality of subregulation (1), an operator shall—

(a) provide sufficient and functional fire extinguishers at a child care centre;

(b) provide an exercise relating to the evacuation of child care centre premises in the event of emergency which shall include the usage of all exits from the premises at least once in every three months;

(c) ensure that all exits from every room in a child care centre are clear from obstruction at all times;

(d) provide an annual fire drill which shall include the evacuation of child care centre premises to the point of egress at ground floor level;

(e) keep and maintain a record on fire drills and the time taken to evacuate the child care centre; and

(f) provide any other appropriate safety measures on prevention of fire as advised by the Fire and Rescue Department.

(3) Paragraphs (2)(b), (d) and (e) shall not apply to a home based child care centre.

(4) An operator who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

#### **Grilles to be installed**

36. (1) An operator shall install grilles wherever appropriate at the child care centre premises to ensure the safety of a child.

(2) An operator who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### Part XI MAINTENANCE OF RECORDS

#### **Records**

37. (1) An operator, a manager or a supervisor, as the case may be, shall keep and maintain the following records:

(a) the name and home address of each child admitted in a child care centre;

(b) the name and the home address of at least a parent or guardian of each child admitted in a child care centre;

(c) the name and address of a parent or guardian of each child who may be notified in case of sickness or emergency while the child is present at a child care centre;

(d) the name, address and qualifications of each operator, manager, supervisor, child care provider, registered child care provider and employee of a child care centre;

(e) enrolment register which shows the admission date of a child to a work place based, community based or institution based child care centre;

(f) a register which shows the daily attendance of children to a work place based, community based or institution based child care centre;

(g) the name, identity card number, address and any other details relating to any person, other than the parent or guardian of a child, who brings a child to, and take a child from, a work place based, community based or institution based child care centre;

(h) a copy of health record card which shows the details of changes in growth and progress of each child while the child is at a work place based, community based or institution based child care centre, including the details of any accident occurred or illness contracted and actions taken relating to the accident or illness; and

(i) any other records as may be determined by the Director General to be kept and maintained at a child care centre.

(2) The operator, manager or supervisor, as the case may be, shall update the records and make the records available for inspection by the Director General or any authorized officer.

(3) An operator, a manager or a supervisor who fails to comply with subregulation (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## Part XII CHILD CARE CENTRE ACTIVITIES

### Schedule of activities

38. (1) An operator or a supervisor shall plan a daily schedule of activities for a child at a child care centre which consists of—

(a) indoor and outdoor activities which is suitable with the age and development level of a child based on the age categories as follows:

- (i) from birth to one year;
- (ii) above one year to three years; and
- (iii) above three years to four years; and

(b) routine activities including the schedule of meals, feedings, resting, sleeping, bathing and other activities which cover the total development needs of a child.

(2) An operator or a supervisor who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

#### **Approval of schedule of activities**

39. (1) A schedule of activities shall be made by an operator, a manager or a supervisor, as the case may be, in Form F of the First Schedule and approved by the Director General.

(2) Where any change is made to the schedule of activities, the operator, manager or supervisor shall—

- (a) obtain the approval of the Director General; and
- (b) inform such changes to any authorized officer, and the parent or guardian of a child.

#### **Schedule of activities to be displayed**

40. An operator, a manager or a supervisor shall display the approved schedule of activities at a conspicuous place at the child care centre.

#### **Supervision of activities**

41. (1) The daily activities conducted at a child care centre shall be supervised by—

- (a) in relation to a home based child care centre, a child care provider or registered child care provider; and
- (b) in relation to a work place based, community based or institution based child care centre, a supervisor, child care provider or registered child care provider.

(2) A supervisor, child care provider or registered child care provider shall not compel a child to undergo any activity at a child care centre.

(3) Each outdoor activity plan in the schedule of activities referred to in paragraph 38(1)(a) shall not exceed thirty minutes.

### **Discipline of a child**

42. (1) For the purpose of instilling discipline among the children, an operator, a manager, a supervisor, a child care provider, a registered child care provider or an employee shall not—

(a) use harsh language inappropriate to be used in the presence of a child; and

(b) take corrective measures on a child which amount to an abuse either emotionally or physically.

(2) An operator, a manager, a supervisor, a child care provider, a registered child care provider or an employee who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## **Part XIII**

### **FOOD, NUTRITION AND WATER**

#### **Schedule of meals**

43. (1) An operator, a manager or a supervisor, as the case may be, shall prepare a schedule of meals for a child at a child care centre.

(2) The schedule of meals shall be prepared in accordance with—

(a) the diet scale as specified in the Fourth Schedule; and

(b) the feeding methods as specified in the Fifth Schedule.

(3) The schedule of meals shall be made available by the operator, manager or supervisor, as the case may be, for inspection by the Director General or any authorized officer.

#### **Food**

44. (1) All food provided for a child at a child care centre shall be prepared and handled hygienically and properly by—

(a) the employee who prepares the food; and

(b) the food operator engaged by the operator to supply food.

(2) An employee or a food operator who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **Water**

45. (1) An operator shall provide clean water for the consumption of a child at a child care centre.

(2) An operator who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## **Part XIV HEALTH**

### **General health of a child**

46. (1) A supervisor, child care provider or registered child care provider shall monitor the health condition of each child daily at the time when a child arrives at a child care centre.

(2) The health condition of a child includes the appearance, cleanliness, personal hygiene, temperature, skin problems and any other abnormal conditions of a child.

(3) A supervisor, child care provider or registered child care provider who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **Medical examination**

47. (1) The Director General or any authorized officer may require any child, operator, manager, supervisor, child care provider, registered child care provider or employee of a child care centre to undergo medical examination.

(2) If required to undergo medical examination under subregulation (1)—

(a) the operator shall undergo the medical examination; and

(b) the operator shall ensure that the child, manager, supervisor, child care provider, registered child care provider or employee, as the case may be, undergoes the medical examination.

(3) Upon receipt of a medical examination report from a medical officer, in relation to the medical examination referred to in subregulation (2), the operator shall submit the report to the Director General or any authorized officer.

### **Infectious disease**

48. (1) Where a medical officer certifies that a child, manager, supervisor, child care provider, registered child care provider or an employee—

(a) is infected by any infectious disease; or

(b) is exposed to, or living in the same house with, a person who is infected by an infectious disease, the operator shall prohibit the presence of the child, manager, supervisor, child care provider, registered child care provider or employee at the child care centre for a certain period if required in writing by the medical officer.

(2) An operator, a manager, a supervisor, a child care provider or a registered child care provider may at any time refuse to admit any child suspected to have been infected by an infectious disease until the child is certified to be healthy by a medical officer.

(3) An operator who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **First aid**

49. (1) An operator shall provide at least one first aid kit at a child care centre.

(2) Each first aid kit at a child care centre shall—

(a) contain the minimum unexpired equipment as specified in the Sixth Schedule;

(b) be satisfactorily maintained; and

(c) be placed at a safe place and cannot be accessed by a child.

### **Temporary isolation**

50. (1) An operator, a manager, a supervisor, a child care provider or a registered child care provider shall take any practical measure to isolate a sick child from other children at a child care centre.

(2) An operator shall provide a room or suitable area at a child care centre to temporarily isolate and care for a sick child.

(3) In this regulation, “a sick child” means a child who falls sick due to illness other than an infectious disease.

### **Prohibited act within the premises of a child care centre**

51. (1) A person shall not—

- (a) smoke, bring in, display or use any tobacco product;
- (b) bring in, display or use any product which contains alcohol or drugs substance other than for medicinal purposes;
- (c) bring in or rear any type of animals except for educational purposes; or
- (d) display or use any dangerous thing or material in the presence of a child, within the premises of a child care centre.

(2) A person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### Part XV NON-COMPLIANCE

#### **The Director General to give written directions for non-compliance**

52. (1) Where any person fails to comply with regulation 5, 6, 7, 8, 10, 12, 14, 18, 19, 21, 24, 25, 27, 28, 29, 31, 32, 33, 39, 40, 41, 43, 47, 49 or 50 of these Regulations, the Director General may give written directions under section 15 of the Act.

(2) Where any person fails to comply with the written directions referred to in subregulation (1), the Director General may, by order in writing, direct that the premises shall cease to be used as a child care centre for such period as he thinks fit.

### Part XVI MISCELLANEOUS

#### **Application for approval to conduct the PERMATA Early Child Care and Education Course**

53. (1) A person may apply to the Director General for approval to conduct the PERMATA Early Child Care and Education Course in Form G of the First Schedule.

(2) For the purpose of approving the application, the Director General may impose any condition as he thinks necessary.

(3) Upon being satisfied that the conditions imposed have been complied with and upon payment of a fee of three hundred ringgit, the Director General shall approve the application.

#### **Certificate of PERMATA Early Child Care and Education Course**

54. The Director General shall issue a certificate of PERMATA Early Child Care and Education Course to any person who attends and passes the PERMATA Early Child Care and Education Course in Form H of the First Schedule.

#### **Savings and transitional**

55. (1) An operator, a child care provider or a registered child care provider at a child care centre who has attended and passed the Basic Child Care Course before the date of coming into operation of these Regulations shall be deemed to have attended and passed the PERMATA Early Child Care and Education Course under these Regulations.

(2) An operator, a manager, a supervisor or a child care provider at a child care centre who has not attended the Basic Child Care Course before the coming into operation of these Regulations shall, within twelve months after the date of coming into operation of these Regulations, attend and pass the PERMATA Early Child Care and Education Course.

#### **Revocation**

56. The Child Care Centre (Institution Based) Regulations 1985 [P.U. (A) 97/1985] are revoked.

**APPENDIX C: CHILD ACT 2001 AND CHILD (AMENDMENT) ACT 2016****LAWS OF MALAYSIA****Act 611****CHILD ACT 2001****OFFENCES IN RELATION TO THE HEALTH AND WELFARE OF CHILDREN****Ill-treatment, neglect, abandonment or exposure of children**

**31.** (1) Any person who, being a person having the care of a child—

(a) abuses, neglects, abandons or exposes the child in a manner likely to cause him physical or emotional injury or causes or permits him to be so abused, neglected, abandoned or exposed; or

(b) sexually abuses the child or causes or permits him to be so abused, commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding ten years or to both.

(2) The Court—

(a) shall, in addition to any punishment specified in subsection (1), order the person convicted of an offence under that subsection to execute a bond with sureties to be of good behaviour for such period as the Court thinks fit; and

(b) may include in the bond executed under paragraph (a) such conditions as the Court thinks fit.

(3) If a person who is ordered to execute a bond to be of good behaviour under subsection (2) fails to comply with any of the conditions of such bond, he shall be liable to a further fine not exceeding ten thousand ringgit or to a further imprisonment for a term not exceeding five years or to both.

(4) A parent or guardian or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause him physical or emotional injury if, being able to so provide from his own resources, he fails to provide adequate food, clothing, medical or dental treatment, lodging or care for the child.

(5) A person may be convicted of an offence against this section notwithstanding that—

(a) suffering or injury to the health of the child in question or the likelihood of suffering or injury to the health of the child in question was avoided by the action of another person; or

(b) the child in question has died.

**LAWS OF MALAYSIA**  
**ACT A1511**  
**CHILD (AMENDMENT) ACT 2016**

**An Act to amend the Child Act 2001.**

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

- (1) This Act may be cited as Child (Amendment) Act 2016.
- (2) This Act comes into operation on a date to be appointed by the Minister by notification in the Gazette and the Minister may appoint different dates for the coming into the operation of different provisions of this Act.

**Amendment to section 31**

**29.** Section 31 of the principal Act is amended-

(a) in subsection (1) –

- (i) in paragraph (a), by inserting after the words “the child” the words “or negligently”;
- (ii) by substituting for the word “twenty” the word “fifty”; and
- (iii) by substituting for the word “ten” the word “twenty”

(b) by substituting for subsection (2) of the following subsection:

- “(2) The Court shall, in addition to any punishment specified in subsection (1), order the person convicted of an offence under that subsection-
- (a) to execute a bond with sureties to be of good behaviour for such period and on such conditions as the Court thinks fit; and
  - (b) to perform community service.”; and

(c) by inserting after subsection (3) the following subsections:

- “(3A) The community service referred to in paragraph (2)(b) –
- (a) shall not be less than thirty-six hours and not more than two hundred forty hours in aggregate;
  - (b) shall be performed within the period not exceeding six months from the date of order; and
  - (c) shall be subject to such conditions as may be specified by the Court.

(3B) Any person who fails to comply with the order of the Court to perform community service under paragraph (2)(b) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit.”.

## **APPENDIX D: SINGAPORE EARLY CHILDHOOD DEVELOPMENT ACT**

**2017**

### **EARLY CHILDHOOD DEVELOPMENT CENTRES ACT 2017 (No. 19 of 2017)**

An Act to regulate the operation of early childhood development centres, to provide for other connected or incidental matters, to repeal the Child Care Centres Act (Chapter 37A of the 2012 Revised Edition) and to make consequential and related amendments to certain other Acts.

#### **PART 1 PRELIMINARY**

##### **Short title and commencement**

1. This Act is the Early Childhood Development Centres Act 2017 and comes into operation on a date that the Minister appoints by notification in the Gazette.

##### **Interpretation**

2. In this Act, unless the context otherwise requires —  
“applicant” means a person making an application;

“application”, in relation to a licence, means an application for or to renew a licence;

“authorised officer”, for any provision of this Act, means a public officer who is appointed as an authorised officer under section 5(3) for the purposes of that provision;

“Chief Licensing Officer” means the public officer appointed under section 5(1)(a);

“code of practice” means a code of practice issued or approved by the Chief Licensing Officer under section 36, and includes any such code of practice as amended from time to time under that section;

“early childhood development centre” means any premises where any early childhood development service is provided or is to be provided;

“early childhood development service” means the provision of care or education, or care and education, habitually of 5 or more children who are below 7 years of age, for a fee, reward or profit by a person who is not a relative or guardian of all the children;

“key appointment holder”, in relation to an applicant or a licensee —

(a) that is a company, limited liability partnership or other body corporate, means —

(i) a member of the board of directors or committee or board of trustees or other governing board of the applicant or licensee (as the case may be); and

(ii) any other person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates;

(b) that is a partnership, means —

(i) a partner of the applicant or licensee (as the case may be); and

(ii) any other person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates; and

(c) in any other case, means any person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates; “licence” means a licence granted or renewed under this Act authorising the licensee to operate the early childhood development centre specified in the licence;

“licensee” means a person who is the holder of a licence;

“modification” and “modify”, in relation to the conditions of a licence, include deleting or varying and substituting a condition, and adding a condition;

“operate”, for an early childhood development centre, means to control or direct the operations of the centre in connection with a business of providing or offering early childhood development service at that centre;

“premises” includes a building, an enclosure, ground and open air space;

“repealed Act” means the Child Care Centres Act (Cap. 37A) repealed by this Act.

### **Act does not apply to certain centres**

3. This Act does not apply to, or in relation to any of the following:

(a) any early childhood development centre —

- (i) operated by or on behalf of the Government; or
  - (ii) specified in the Schedule (called in this Act an excluded early childhood development centre);
- (b) any person deployed, engaged or permitted by —
- (i) the Government to perform any duty or provide any service at a centre mentioned in paragraph (a)(i); or
  - (ii) the operator of an excluded early childhood development centre to perform any duty or provide any service at that centre.

### **Purpose of Act**

4. The purpose of this Act is to regulate the operation of early childhood development centres, so as to —
- (a) protect the safety, wellbeing and welfare of children at early childhood development centres; and
  - (b) promote the quality, and continuous improvement in the quality, of early childhood development services at early childhood development centres.

### **Appointment of officers**

- 5.—(1) The Minister may appoint —
- (a) a public officer as the Chief Licensing Officer for the purposes of this Act; and
  - (b) such number of public officers as Assistant Chief Licensing Officers as may be necessary.
- (2) The Chief Licensing Officer and Assistant Chief Licensing Officers may be known by such title as the Minister determines from time to time.
- (3) The Chief Licensing Officer may, in relation to any provision of this Act, appoint a public officer to be an authorised officer for the purposes of that provision, either generally or in a particular case.
- (4) Subject to subsection (5), the Chief Licensing Officer may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon the Chief Licensing Officer by any provision of this Act (except the power of delegation conferred by this subsection) to an Assistant Chief Licensing Officer.
- (5) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Chief Licensing Officer may specify; and any reference in the provision of this Act to the

Chief Licensing Officer includes a reference to such an Assistant Chief Licensing Officer.

**PART 2  
LICENSING OF EARLY CHILDHOOD  
DEVELOPMENT CENTRES**

**No operation of early childhood development centre without licence, etc.**

6.—(1) A person must not operate (whether solely or jointly with any other person) an early childhood development centre unless the person —

- (a) is authorised to do so by a licence under this Act;
- (b) is exempt from this subsection by or under this Act in relation to that centre; or
- (c) is directed by the Chief Licensing Officer under section 18 to do so despite the expiry or revocation of the licence for that centre.

(2) A person must not advertise or otherwise hold out that the person is operating an early childhood development centre under a licence, unless the person holds a valid licence under this Act.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

**Application for or to renew licence**

7.—(1) An application must be made to the Chief Licensing Officer in accordance with this section.

(2) An application must —

- (a) be in the form and manner required by the Chief Licensing Officer;
- (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and
- (c) be accompanied by any information that the Chief Licensing Officer requires to decide on the application.

(3) A separate application must be made for every early childhood development centre that a person operates or intends to operate (as the case may be) under the authority of a licence.

(4) In addition to the requirements under subsections (2) and (3), an application to renew a licence must —

(a) be made not later than the prescribed time before the date the licence expires (called in this subsection the renewal deadline); and

(b) if made later than the renewal deadline, be accompanied by a non-refundable late renewal application fee (if prescribed) paid in the manner required by the Chief Licensing Officer.

(5) The Chief Licensing Officer or an authorised officer may —

(a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and

(b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.

(6) The Chief Licensing Officer may refuse an application —

(a) that is incomplete or otherwise not made in accordance with this section; or

(b) if the applicant fails to provide the additional information requested under subsection (5)(b).

#### **Grant or renewal of licence**

8.—(1) After considering any application for or to renew a licence, the Chief Licensing Officer may —

(a) on payment of a licence fee or renewal fee (if prescribed), grant or renew the licence (as the case may be); or

(b) refuse (without compensation) to grant or renew the licence, as the case may be.

(2) A person may be granted more than one licence.

(3) In deciding whether a licence should be granted or renewed, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

(a) whether the applicant has the appropriate character and fitness to operate and maintain an early childhood development centre;

(b) whether every key appointment holder of the applicant has the appropriate character and fitness to act in that capacity;

(c) whether the applicant, or any key appointment holder of the applicant, has been —

(i) convicted of an offence under this Act;

(ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the applicant or key appointment holder (as the case may be) had acted dishonestly; or

(iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;

(d) whether the applicant has, during the prescribed period immediately before the application, failed to pay any charge or fee charged or imposed under this Act, the repealed Act or the Education Act (Cap. 87) in connection with the operation of an early childhood development centre;

(e) whether the applicant has previously —

(i) been refused the grant or renewal of a licence under this Act or the repealed Act;

(ii) had any licence revoked or shortened under this Act or the repealed Act;

(iii) been the subject of any other regulatory sanction under this Act;

(iv) been refused registration of a school under the Education Act; or

(v) had any registration of a school cancelled under the Education Act;

(f) whether any key appointment holder of the applicant is disqualified under section 19 to act or continue to act as a key appointment holder;

(g) whether the applicant has, or is likely to have, the financial capacity to operate and maintain an early childhood development centre;

(h) whether the applicant is the owner or lessee of the premises to be used as an early childhood development centre, or has a licence from another person to occupy those premises;

(i) whether the premises to be used as an early childhood development centre are fit to be used as such a centre, having regard to —

(i) location, accommodation, staffing or equipment; and

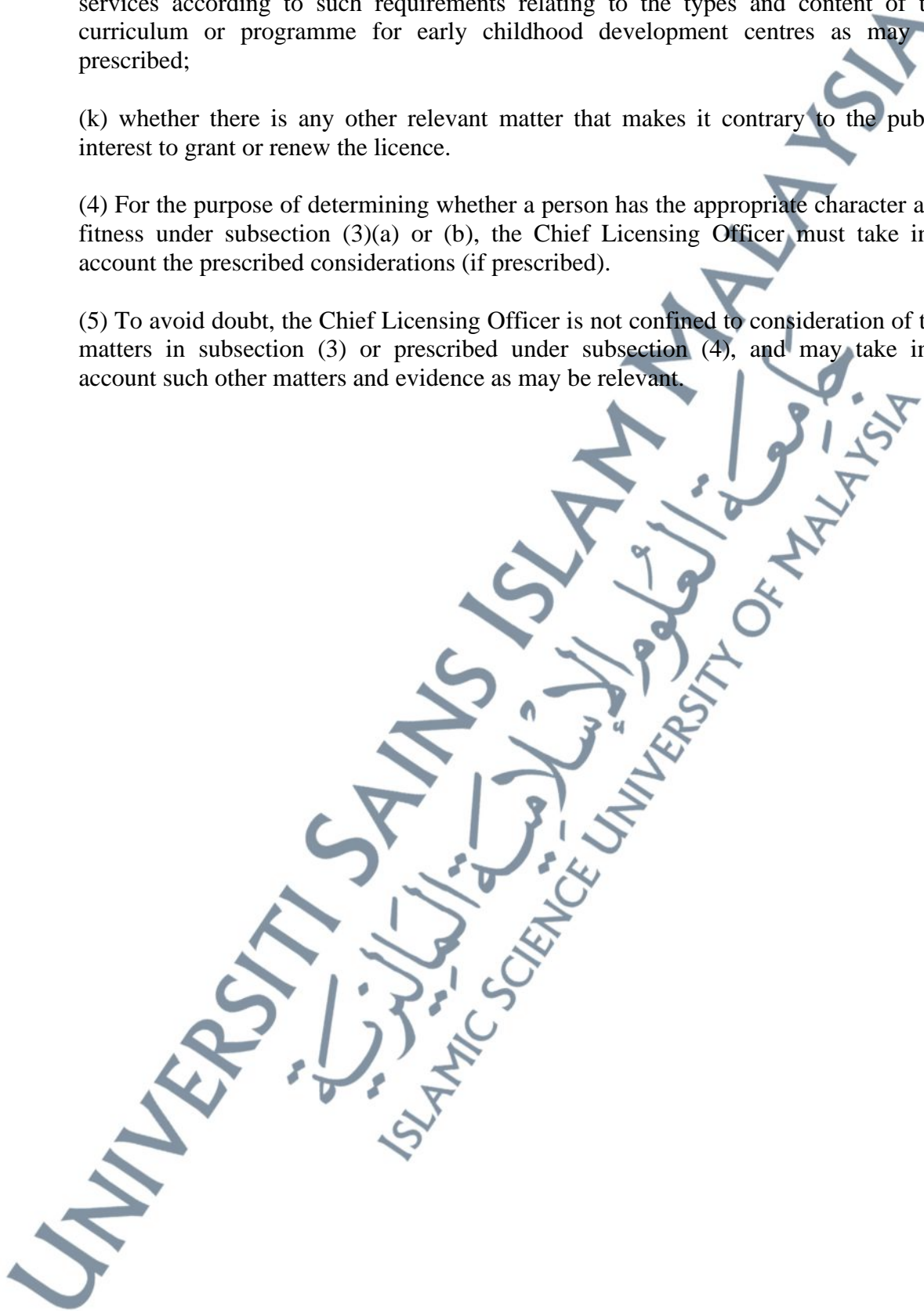
(ii) building structure, fire safety, public health and sanitation requirements prescribed under this Act or any other written law;

(j) whether the applicant has the capacity to deliver early childhood development services according to such requirements relating to the types and content of the curriculum or programme for early childhood development centres as may be prescribed;

(k) whether there is any other relevant matter that makes it contrary to the public interest to grant or renew the licence.

(4) For the purpose of determining whether a person has the appropriate character and fitness under subsection (3)(a) or (b), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(5) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (3) or prescribed under subsection (4), and may take into account such other matters and evidence as may be relevant.



**APPENDIX E: SINGAPORE CHILD CARE CENTRES REGULATIONS 2012**

**CHILD CARE CENTRES ACT  
(CHAPTER 37A, SECTION 19)  
CHILD CARE CENTRES REGULATIONS**

**PART I  
PRELIMINARY**

**Citation**

1. These Regulations may be cited as the Child Care Centres Regulations.

**Medicines and drugs**

13.—(1) Every child care centre shall ensure that —

(a) no medicine or drug is to be administered to a child unless otherwise prescribed by a registered medical practitioner, or in accordance with the written instructions of the parent or guardian of the child;

(b) all containers of any medicines or drugs to be administered to a child are clearly labelled with the child's name and instructions for administration of the medicines or drugs;  
and

(c) all medicines or drugs are to be kept out of reach of children.

(2) The licensee shall cause a proper written record to be maintained for administration of medicine or drugs in relation to each child at the child care centre. The record shall include —

(a) the name of the child;

(b) the name of medicine or drugs administered;

(c) the dosage of medicine or drugs administered;

(d) the name of person who administered the medicine or drugs;

(e) the time and date of administration; and

(f) the manner of administration.

**Behaviour and guidance**

17.—(1) Every licensee shall cause to ensure that the staff shall not administer the following disciplinary measures:

- (a) any form of corporal punishment, including the following:
    - (i) striking a child, directly or with any physical objects;
    - (ii) shaking, shoving, spanking or other forms of aggressive contact; and
    - (iii) requiring or forcing the child to repeat physical movements;
  - (b) harsh, humiliating, belittling or degrading responses of any kind, including verbal, emotional and physical;
  - (c) deprivation of meals; or
  - (d) isolation and physical restriction of movements.
- (2) Where any member of the staff of a child care centre or licensee thereof has administered any disciplinary measure referred to in paragraph (1), the Director may issue a letter to that staff member or licensee warning him against repeating the administration of such disciplinary measure.

#### **Reporting of child abuse**

21. The licensee of a child care centre who has reasonable cause to suspect any case of child abuse shall immediately report it to the Director.

#### **Programme staff-child ratio**

25.—(1) Subject to paragraphs (2), (5) and (6), a licensee must ensure that the ratio of educators to children enrolled in the licensee's child care centre is not less than —

- (a) 1:5 in respect of all children who are aged 2 or more months but not older than 18 months of age;
- (b) 1:8 in respect of all children who are older than 18 months but not more than 30 months of age; and
- (c) 1:12 in respect of —
  - (i) all children who are older than 30 months but younger than 3 years of age; and
  - (ii) all children who are aged 3 years or older and are enrolled in any Nursery 1 class conducted at the licensee's child care centre.

(2) Notwithstanding paragraph (1), where an educator is assisted by one or more para educators, the ratio of educators to children enrolled in a licensee's child care centre must not be less than —

- (a) 1:12 in respect of all children who are older than 18 months but not more than 30 months of age; and

(b) 1:18 in respect of —

- (i) all children who are older than 30 months but younger than 3 years of age; and
- (ii) all children who are aged 3 years or older and are enrolled in any Nursery 1 class conducted at the licensee's child care centre.

(3) Subject to paragraphs (4) and (6), a licensee must ensure that the ratio of child care teachers to children enrolled in the licensee's child care centre is not less than —

(a) 1:15 in respect of all children who are enrolled in any Nursery 2 class conducted at the licensee's child care centre;

(b) 1:20 in respect of all children who are enrolled in any Kindergarten 1 class; and

(c) 1:25 in respect of all children who are enrolled in any Kindergarten 2 class.

(4) Notwithstanding paragraph (3) —

(a) where a child care teacher is assisted by one or more para-educators, the ratio of child care teachers to children enrolled in a licensee's child care centre must not be less than 1:20 in respect of all children who are enrolled in any Nursery 2 class conducted at the licensee's child care centre; and

(b) where a child care teacher is assisted by one or more para-educators, the ratio of child care teachers to children enrolled in a licensee's child care centre must not be less than —

(i) 1:25 in respect of all children who are enrolled in any Kindergarten 1 class conducted at the licensee's child care centre; and

(ii) 1:30 in respect of all children who are enrolled in any Kindergarten 2 class conducted at the licensee's child care centre.

(5) The ratio specified in paragraph (1)(a) shall apply at all times when the child care centre is open and providing child care services to children.

(6) The ratios specified in paragraphs (1)(b) and (c), (2), (3) and (4) shall apply at all times when the child care centre is open and providing child care services to children except during the periods when children arrive at and leave the child care centre and during rest periods, where paragraph (7) shall apply.

(7) During the periods when children arrive at or leave a child care centre or during rest periods, the ratio of staff to children enrolled in the child care centre must not be less than —

(a) 1:12 in respect of all children who are older than 18 months but not more than 30 months of age;

(b) 1:18 in respect of —

- (i) all children who are older than 30 months but younger than 3 years of age; and
- (ii) all children who are aged 3 years or older and are enrolled in any Nursery 1 class conducted at the licensee's child care centre;

(c) 1:20 in respect of all children who are enrolled in any Nursery 2 class conducted at the licensee's child care centre; and

(d) 1:30 in respect of all children who are enrolled in any Kindergarten 1 class or Kindergarten 2 class conducted at the licensee's child care centre.

(8) The licensee of a child care centre must ensure that at any time when there is any child in the child care centre, there must be present in the child care centre at least 2 staff in the centre comprising —

(a) at least one programme staff; and

(b) a person who holds a valid first aid certificate recognised by the Director.

(9) The licensee and any staff referred to in paragraph (8) of a child care centre must ensure that no child in the child care centre is at any time left alone without staff supervision.

(10) Where the licensee or any member of the staff of a child care centre fails to comply with paragraph (9) by leaving any child alone in the child care centre without staff supervision, the Director may issue a letter to the licensee or member of the staff of the child care centre, or both, warning them against future failure to comply with paragraph (9).

#### **Director may prohibit employment of certain staff**

26. The Director may, in his discretion, prohibit the licensee of any child care centre from employing any person as staff of that child care centre if —

(a) the person to be employed has been convicted of —

(i) any offence under section 5, 6, 7, 11, 12 or 13 of the Children and Young Persons Act (Cap. 38), or any other offence involving child abuse or child neglect;

(ii) any offence under Part XI of the Women's Charter (Cap. 353); p. 20 2012 Ed.]

(iii) any offence under section 354, 354A, 372, 373, 373A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G, 377, 377A, 377B or 509 of the Penal Code (Cap. 224); or

(iv) any offence involving fraud, dishonesty or moral turpitude; or

(b) the Director is not satisfied as to the character or fitness of the person to be employed as staff of the child care centre.

## **Playgrounds**

28.—(1) Every child care centre shall have access to outdoor play space for gross motor activity.

(2) Playgrounds within the compounds of a child care centre shall be adequately fenced.

(3) Before the children are allowed the use of any playground, a physical inspection shall be made by the staff to ensure that the playground equipment is in a safe working condition and that the playground is free from broken glass, other sharp or harmful objects and standing water.

(4) Every child care centre without access to outdoor play space shall have additional indoor space which shall be equipped with materials for gross motor activity and which comply with the specifications set out in the First Schedule.

### **FIRST SCHEDULE**

#### **Regulations 27 and 28(4)**

#### **SPECIFICATIONS FOR A CHILD CARE CENTRE PREMISES**

1. Every child care centre shall be housed on the ground floor of a building unless otherwise approved by the Director. The site of the child care centre shall be located away from main roads and other traffic hazards wherever possible.
2. No swing door shall be installed in any child care centre.
3. The floor shall not be of bare concrete.
4. The floor shall be clean, damp-proof, safe, level, washable and with a non-slip surface.
5. Every child care centre shall have a designated space for activity areas, playing, toilet and bathing facilities, washing, eating, resting, an office, staff rest periods, isolation of sick children, storage of food, beds, bedding, toys, indoor and outdoor play material and equipment and medical supplies.
6. Every child care centre shall have a designated space for the preparation of food and snacks and such space shall be rendered inaccessible to children.
7. Every child care centre shall have a minimum of 3 square metres of usable floor space (excluding service areas) as indoor activity area for each child enrolled, who is older than 18 months of age. Additional space as determined by the Director shall be provided for children who are unable to walk.
- 7A. Every child care centre shall have a minimum of 5 square metres of usable floor space (excluding service areas) as indoor activity area for each child enrolled, who is aged 18 months or younger. Additional space as determined by the Director shall be provided for children who are unable to walk.
8. Every child care centre shall have access to outdoor play space. Where this is not possible, there shall be additional indoor gross motor activity area. The space provided, both indoors or outdoors, shall be at least 30 square metres or one-fifth of the centre's capacity at 5 square metres per child, whichever is more. The gross motor activity area shall exclude service and children's activity areas.

9. Power points within designated child care centres shall either be raised to a level which is out of children's reach or rendered harmless or ineffective to children.
10. Drains in child care centres shall be covered.
11. Any child care centre which is not located on the ground floor of the building shall have grilles on all windows. Compliance with this requirement may be waived for those child care centres with central air-conditioning, in which case, the windows shall be kept closed at all times when the children are on the premises.
12. Where there are staircases in a child care centre, safety gates shall be installed at both ends of a staircase.
13. Every child care centre shall install equipment to enable it to log on to and access Child Care Link, a computerised web-based system.

**APPENDIX F: AUSTRALIA EDUCATION AND CARE SERVICES**

**NATIONAL LAW ACT 2010**

**Education and Care Services National Law  
Act 2010  
No. 69 of 2010**  
Authorised Version incorporating amendments as at  
1 October 2017

The Parliament of Victoria enacts:

**Part 1—Preliminary**

**1 Purpose**

The purpose of this Act is to create a National Law to regulate education and care services for children.

**2 Commencement**

- (1) This Act comes into operation on a day or days to be proclaimed.
- (2) Different days may be proclaimed under subsection (1) for the commencement of different provisions of the Education and Care Services National Law set out in the Schedule.

**3 Definitions**

- (1) For the purposes of this Act, the local application provisions of this Act are the provisions of this Act other than the Education and Care Services National Law set out in the Schedule.
- (2) In the local application provisions of this Act— Education and Care Services National Law (Victoria) means the provisions applying in this jurisdiction because of section 4.
- (3) Terms used in the local application provisions of this Act and also in the Education and Care Services National Law set out in the Schedule have the same meanings in those provisions as they have in that Law.

**Schedule**

**Education and Care Services National Law**

**PART 1—PRELIMINARY**

### **1 Short title**

This Law may be cited as the Education and Care Services National Law.

### **2 Commencement**

This Law commences in a participating jurisdiction as provided under the Act of that jurisdiction that applies this Law as a law of that jurisdiction.

### **3 Objectives and guiding principles**

(1) The objective of this Law is to establish a national education and care services quality framework for the delivery of education and care services to children.

(2) The objectives of the national education and care services quality framework are—

(a) to ensure the safety, health and wellbeing of children attending education and care services;

(b) to improve the educational and developmental outcomes for children attending education and care services;

(c) to promote continuous improvement in the provision of quality education and care services;

(d) to establish a system of national integration and shared responsibility between participating jurisdictions and the Commonwealth in the administration of the national education and care services quality framework;

(e) to improve public knowledge, and access to information, about the quality of education and care services;

(f) to reduce the regulatory and administrative burden for education and care services by enabling information to be shared between participating jurisdictions and the Commonwealth.

(3) The guiding principles of the national education and care services quality framework are as follows—

(a) that the rights and best interests of the child are paramount;

(b) that children are successful, competent and capable learners;

(c) that the principles of equity, inclusion and diversity underlie this Law;

(d) that Australia's Aboriginal and Torres Strait Islander cultures are valued;

(e) that the role of parents and families is respected and supported;

(f) that best practice is expected in the provision of education and care services.

#### **4 How functions to be exercised**

An entity that has functions under this Law is to exercise its functions having regard to the objectives and guiding principles of the national education and care services quality framework set out in section 3.

#### **47 Determination of application**

(1) Subject to subsection (3), in determining an application under section 43, the Regulatory

Authority must have regard to—

- (a) the National Quality Framework; and
- (b) except in the case of a family day care residence, the suitability of the education and care service premises and the site and location of those premises for the operation of an education and care service; and
- (c) the adequacy of the policies and procedures of the service; and
- (d) whether the applicant has a provider approval; and
- (e) except in the case of a nominated supervisor who is the approved provider, whether each nominated supervisor has consented in writing to the nomination; and
- (f) any other matter the Regulatory Authority thinks fit; and
- (g) any other prescribed matter.

(2) In addition, the Regulatory Authority may have regard to either of the following—

(a) whether the applicant is capable of operating the education and care service having regard to its financial capacity and management capability and any other matter the Regulatory Authority considers relevant;

(b) the applicant's history of compliance with this Law or this Law as applying in any participating jurisdiction, including in relation to any other education and care service it operates.

(3) Subject to subsection (4), in assessing an associated children's service for the purposes of determining whether to grant a service approval, the Regulatory Authority must have regard to the criteria under the children's services law of this jurisdiction for the grant of a children's services licence.

(4) The criteria referred to in subsection (3) do not include criteria relating to whether the applicant is a fit and proper person.

#### **166 Offence to use inappropriate discipline**

(1) The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to—

- (a) any form of corporal punishment; or

(b) any discipline that is unreasonable in the circumstances.

Penalty: \$10 000, in the case of an individual.

\$50 000, in any other case.

(2) A nominated supervisor of an education and care service must ensure that no child being educated and cared for by the service is subjected to—

(a) any form of corporal punishment; or

(b) any discipline that is unreasonable in the circumstances.

Penalty: \$10 000.

(3) A staff member of, or a volunteer at, an education and care service must not subject any child being educated and cared for by the service to—

(a) any form of corporal punishment; or

(b) any discipline that is unreasonable in the circumstances.

Penalty: \$10 000.

(4) A family day care educator must not subject any child being educated and cared for by the educator as part of a family day care service to—

(a) any form of corporal punishment; or

(b) any discipline that is unreasonable in the circumstances.

Penalty: \$10 000.

### **167 Offence relating to protection of children from harm and hazards**

(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Penalty: \$10 000, in the case of an individual.

\$50 000, in any other case.

(2) A nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Penalty: \$10 000.

(3) A family day care educator must ensure that every reasonable precaution is taken to protect a child being educated and cared for as part of a family day care service from harm and from any hazard likely to cause injury.

Penalty: \$10 000.

### **168 Offence relating to required programs**

(1) The approved provider of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that—

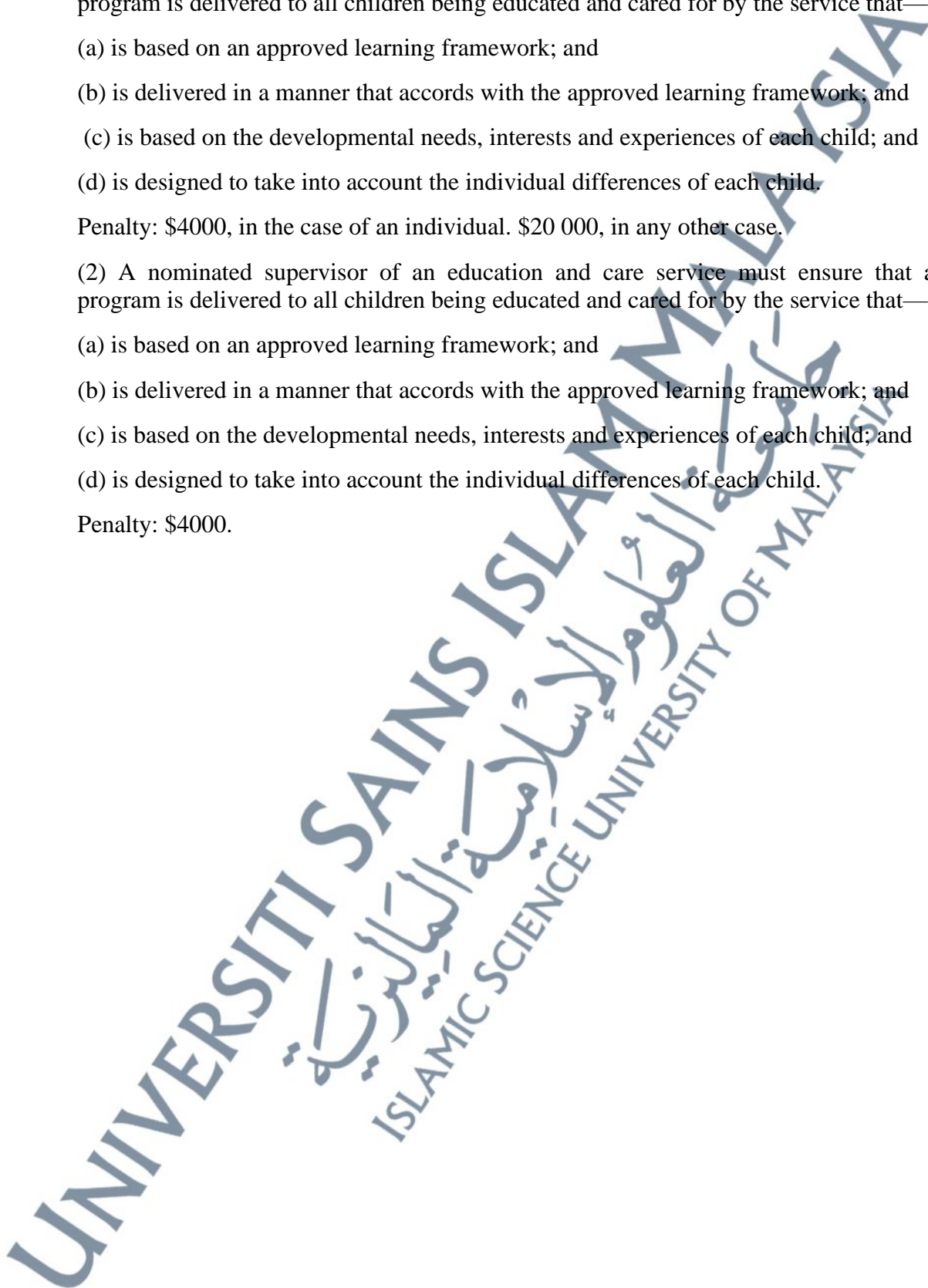
- (a) is based on an approved learning framework; and
- (b) is delivered in a manner that accords with the approved learning framework; and
- (c) is based on the developmental needs, interests and experiences of each child; and
- (d) is designed to take into account the individual differences of each child.

Penalty: \$4000, in the case of an individual. \$20 000, in any other case.

(2) A nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that—

- (a) is based on an approved learning framework; and
- (b) is delivered in a manner that accords with the approved learning framework; and
- (c) is based on the developmental needs, interests and experiences of each child; and
- (d) is designed to take into account the individual differences of each child.

Penalty: \$4000.



## APPENDIX G: AUSTRALIA EDUCATION AND CARE SERVICES

### NATIONAL REGULATIONS 2012

#### Education and Care Services National Regulations 2012

##### Division 5 — Service waiver

#### 41. Service waiver — prescribed elements

For the purposes of section 87(1) of the Law, the prescribed elements are —

- (a) the standards and elements set out in Quality Areas 3 and 4 of the National Quality Standard; and
- (b) the following provisions —
  - (i) regulations 104, 107, 108 and 110; and
  - (ii) in the case of a centre-based service, Division 2 of Part 4.3 and regulations 120, 123, 126 and 130 to 134; and
  - (iii) in the case of a family day care service, regulations 117, 124, 127 and 128; and
  - (iv) any provision in Chapter 7 that applies in place of a provision referred to in subparagraph (i), (ii) or (iii).

#### 84. Awareness of child protection law

The approved provider of an education and care service must ensure that the nominated supervisor and staff members at the service who work with children are advised of —

- (a) the existence and application of the current child protection law; and
- (b) any obligations that they may have under that law.

Penalty: \$1000.

Note for this regulation: A compliance direction may be issued for failure to comply with this regulation.

##### Division 2 — Incidents, injury, trauma and illness

### **85. Incident, injury, trauma and illness policies and procedures**

The incident, injury, trauma and illness policies and procedures of an education and care service required under regulation 168 must include procedures to be followed by nominated supervisors and staff members of, and volunteers at, the service in the event that a child —

- (a) is injured; or
- (b) becomes ill; or
- (c) suffers a trauma.

### **86. Notification to parents of incident, injury, trauma and illness**

The approved provider of an education and care service must ensure that a parent of a child being educated and cared for by the service, or if a parent cannot be immediately contacted, an authorised emergency contact for the child is notified as soon as practicable, but not later than 24 hours after the occurrence, if the child is involved in any incident, injury, trauma or illness while the child is being educated and cared for by the education and care service.

Penalty: \$2000.

Note for this regulation: This regulation differs from regulation 86 of the national regulations

made by the Ministerial Council.

### **87. Incident, injury, trauma and illness record**

(1) The approved provider of an education and care service must ensure that an incident, injury, trauma and illness record is kept in accordance with this regulation.

(2) A family day care educator must keep an incident, injury, trauma and illness record in accordance with this regulation.

(3) The incident, injury, trauma and illness record must include —

(a) details of any incident in relation to a child or injury received by a child or trauma to which a child has been subjected while being educated and cared for by the education and care service or the family day care educator, including —

- (i) the name and age of the child; and
- (ii) the circumstances leading to the incident, injury or trauma; and
- (iii) the time and date the incident occurred, the injury was received or the child was subjected to the trauma;

(b) details of any illness which becomes apparent while the child is being educated and cared for by the education and care service or the family day care educator including —

- (i) the name and age of the child; and
  - (ii) the relevant circumstances surrounding the child becoming ill and any apparent symptoms; and
  - (iii) the time and date of the apparent onset of the illness;
- (c) details of the action taken by the education and care service or family day care educator in relation to any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator, including —
- (i) any medication administered or first aid provided; and
  - (ii) any medical personnel contacted;
- (d) details of any person who witnessed the incident, injury or trauma;
- (e) the name of any person —
- (i) whom the education and care service notified or attempted to notify, of any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator; and
  - (ii) the time and date of the notifications or attempted notifications;
- (f) the name and signature of the person making an entry in the record, and the time and date that the entry was made.
- (4) The information referred to in subregulation (3) must be included in the incident, injury, trauma and illness record as soon as practicable, but not later than 24 hours after the incident, injury or trauma, or the onset of the illness.

### **Part 4.3 — Physical environment**

#### **Division 1 — Centre-based services and family day care services**

##### **103. Premises, furniture and equipment to be safe, clean and in good repair**

(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.

Penalty: \$2000.

(2) This regulation does not apply to a part of a family day care residence that is not used to provide a family day care service.

Note for this regulation: A compliance direction may be issued for failure to comply with this regulation.

##### **104. Fencing**

(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Penalty: \$2000.

(2) This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age.

(3) This regulation does not apply in respect of a family day care residence or a family day care venue if all the children being educated and cared for at that residence or venue as part of a family day care service are over preschool age.

Note for this regulation: A compliance direction may be issued for failure to comply with this regulation.

### **105. Furniture, materials and equipment**

The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.

Note for this regulation: A compliance direction may be issued for failure to comply with this regulation.

### **106. Laundry and hygiene facilities**

(1) The approved provider of an education and care service must ensure that the service has—

(a) laundry facilities or access to laundry facilities; or

(b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering — that are adequate and appropriate for the needs of the service.

(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.

Note for this regulation: A compliance direction may be issued for failure to comply with

subregulation (1) or (2).

### **107. Space requirements — indoor space**

(1) This regulation does not apply in respect of a family day care residence.

(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.

Penalty: \$2000.

(3) In calculating the area of unencumbered indoor space —

(a) the following areas are to be excluded —

(i) any passageway or thoroughfare (including doorswings);

(ii) any toilet and hygiene facilities;

(iii) any nappy changing area or area for preparing bottles;

(iv) any area permanently set aside for the use or storage of cots;

(v) any area permanently set aside for storage;

(vi) any area or room for staff or administration;

(vii) any other space that is not suitable for children;

(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.

(4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.

(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.

(6) In this regulation a reference to a child does not include —

(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or

(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).

Note for this regulation: A compliance direction may be issued for failure to comply with subregulation (2).

### **108. Space requirements — outdoor space**

(1) This regulation does not apply in respect of a family day care residence.

(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.

Penalty: \$2000.

(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded —

(a) any pathway or thoroughfare, except where used by children as part of the education and care program;

(b) any car parking area;

(c) any storage shed or other storage area;

(d) any other space that is not suitable for children.

(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.

(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if —

(a) the Regulatory Authority has given written approval; and

(b) that indoor space has not been included in calculating the indoor space under regulation 107.

(6) In this regulation a reference to a child does not include —

(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or

(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).

Note for this regulation: A compliance direction may be issued for failure to comply with subregulation (2).

### **123. Educator to child ratios — centre-based services**

(1A) In this regulation — emergency, in relation to a child, means a serious and unexpected short term care emergency that requires the child to be provided with immediate education and care.

Examples for this subregulation:

1. A child is determined to be in need of protection under a child protection order.

2. The parent of a child needs urgent health care that prevents them caring for the child.

(1) The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios —

(a) for children from birth to 24 months of age — 1 educator to 4 children;

(b) for children over 24 months and less than 36 months of age — 1 educator to 5 children;

(c) for children aged 36 months of age or over (not including children over preschool age) —

(i) for all participating jurisdictions other than Western Australia — 1 educator to 11 children;

(ii) for Western Australia — 1 educator to 10 children;

(d) for children over preschool age in a jurisdiction, the relevant ratio (if any) set out in Chapter 7 for that jurisdiction.

(2A) Despite regulation 122, if an educator at a centre-based service is not working directly with children, that educator is counted as an educator at the service for the purposes of this regulation if —

(a) the educator is present on the premises of the service; and

(b) the educator is available immediately to provide education and care to the children at the service if required; and

(c) the period of time during which the educator is not working with children is not more than 30 minutes in a day.

(2) If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of subregulation (1) at all times.

(3) If an early childhood teacher is required under Division 5 to be in attendance at a centre-based service, subject to regulation 122 that teacher is counted as an educator at the service for the purposes of this regulation.

(4) If a centre-based service is required under regulation 130 or 131 to have access to an early childhood teacher for a period, subject to regulation 122 that teacher is counted as an educator at the service for the purposes of this regulation.

(5) In subregulations (1) and (2) a reference to children does not include a child who is, or 2 or more children from the same family who are, educated and cared for at a centre-based service in an emergency for a period of not more than 2 consecutive days on which the service operates.

(6) An approved provider of a centre-based service must not permit an additional child or additional children to be educated and cared for at the service in an emergency in the circumstances set out in subregulation (5) unless the approved provider is satisfied on reasonable grounds that this will not affect the health, safety and wellbeing of all the children attending the service.

(7) Despite subregulations (1) and (2), for the purposes of determining the minimum number of educators required under this regulation, a child of a certain age is to be treated as up to 6 months older or 6 months younger than the child's actual age if —

(a) the approved provider or, if the approved provider is not an individual, the nominated supervisor, of the service —

(i) is satisfied on reasonable grounds that it is developmentally appropriate for the child to be so treated; and

(ii) makes and keeps a record of that decision; and

(b) a parent of the child has agreed with that decision and has signed the record of the decision to indicate that agreement.

Notes for this regulation:

1. This regulation differs from regulation 123 of the national regulations made by the Ministerial Council.
2. For other WA specific provisions, see regulations 372 and 374.



**APPENDIX H: INTERVIEW QUESTIONS WITH CHILD CARE OPERATOR  
AND CHILD CARE PROVIDERS**

1. Please explain the safety measures taken in this centre.
2. What would you do when incidents such as injuries happened to the children?
3. What are the punishments that may be inflicted against child care provider if there are guilty of abuse cases
4. How much is the measurement of the floor area of this centre?
5. Is there any playground or outdoor area prepared for the children to play?
6. Are the kitchen separated from the children space area?
7. What is the minimum age for child care provider?
8. How a child care provider can be registered with Social Welfare Department?
9. What are the courses that you have undergone?
10. What makes you choose the career as a child care provider?

**APPENDIX I: INTERVIEW QUESTIONS WITH SOCIAL WELFARE****DEPARTMENT OFFICER**

1. What is your view regarding the quality of child care centres in Malaysia
2. Please state the latest data on the numbers of registered child care centres, numbers of abuse cases happening in child care centres and enforcement actions taken against any non-adherences of laws and regulations
3. Please share the efforts done by the department in encouraging the child care centres to register with the department.
4. Please state the main reasons on the refusal of the operators to register their centres.
5. What are the problems faced by the authority in managing child care centres especially in terms of registration and enforcement?
6. What is your opinion on the existing laws and regulations of child care centres in Malaysia? Is there a need for any improvement to be done?