

Version No. 001
Children's Services Regulations 1998

S.R. No. 59/1998

Version as at 1 June 1998

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PART 1—PRELIMINARY

1. *Objective*

The objective of these Regulations is to regulate the licensing and operation of children's services.

2. *Authorising provisions*

These Regulations are made under sections 9(2), 16(2), 18(4), 21(2) and (4), 23(4), 24(2), 53(2) and (4) and 56 of the **Children's Services Act 1996**.

3. *Commencement*

- (1) These Regulations, except regulations 20(2)(c) and (e) and 26, come into operation on 1 June 1998.
- (2) Regulations 20(2)(c) and (e) and 26 come into operation on 1 January 1999.

4. *Definitions*

In these Regulations—

"children's room" means a room used exclusively for the care or education of children while children are attending the service and does not include a toilet, kitchen, administration room or any other ancillary area;

"lawful authority" means a power, duty, responsibility or authority conferred at common law or under an Act (including an

Act of the Commonwealth) in relation to a child;

"nominee" means a person nominated by the licensee to manage or control the children's service in the absence of the licensee;

"primary nominee" means—

- (a) if there is one nominee, that nominee;
or
- (b) if there is more than one nominee, the nominee whom the Secretary is satisfied has primary responsibility for the management or control of the service in the absence of the licensee;

"proprietor" means the proprietor of a children's service;

"qualified staff member" means a staff member who holds a qualification referred to in regulation 25;

"restricted children's service" means a children's service that has been licensed by the Secretary subject to the condition that no child is cared for or educated by the service for more than 5 hours per day and 15 hours per week;

"staff member" means a person who is considered to be a staff member under regulation 22;

"the Act" means the **Children's Services Act 1996**.

PART 2—LICENSING OF CHILDREN'S SERVICES**Division 1—Applications****5. *Application for approval in principle***

For the purposes of section 9(2) of the Act—

- (a) the prescribed information is that set out in Part 1 of Schedule 1; and
- (b) the prescribed fee is the relevant fee set out in Schedule 2.

6. *Application for a licence*

For the purposes of section 16(2) of the Act—

- (a) the prescribed information is that set out in Part 2 of Schedule 1; and
- (b) the prescribed fee is the relevant fee set out in Schedule 2; and
- (c) the documents set out in Part 2 of Schedule 1 are prescribed to accompany the application.

7. *Conditions or restrictions to which a licence may be subject*

For the purposes of section 18(4) of the Act, the prescribed conditions or restrictions are—

- (a) that the licensee ensures that information in a child enrolment record is not divulged or communicated, directly or indirectly, to any other person except—
 - (i) to the extent necessary for the care or education or medical treatment of the child;
 - (ii) to a parent or guardian of the child or other person who has lawful authority to require the information;

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- (iii) to the Secretary or to an authorised officer;
 - (iv) if expressly authorised, permitted or required to be given by or under any Act or law;
 - (v) with the written consent of the person who provided the information;
- (b) that the licensee ensures that any information in a notification referred to in regulation 27 is not divulged, directly or indirectly, to any person except the primary nominee, the Secretary or an authorised officer;
 - (c) that, if the Secretary is satisfied the children's service is unable to comply with regulation 42(1)(b), 42(4), 43(1)(a), 45 or 46, no child is cared for or educated by the service for more than 5 hours per day and 15 hours per week;
 - (d) that, in the case of a restricted children's service, not more than half the number of staff members are caring for or educating children in an honorary or voluntary capacity;
 - (e) that the number of children aged 6 years or more does not exceed 30% of the total number of places for children at the children's service;
 - (f) that the licensee notifies the Secretary of any proposed alteration of the design of the premises from the design that was approved for the purposes of the licence.

8. *Application for renewal of licence*

For the purposes of section 21(2) of the Act—

- (a) an application for renewal of a licence is in the prescribed form if it sets out the prescribed information in the order set out in Part 3 of Schedule 1;
- (b) the prescribed information is that set out in Part 3 of Schedule 1;
- (c) the prescribed renewal fee is the relevant fee set out in Schedule 2;
- (d) the prescribed late application fee is the relevant fee set out in Schedule 2.

9. *Application for variation of licence*

For the purposes of section 23(4) of the Act—

- (a) an application for a variation of a licence is in the prescribed form if it sets out the prescribed information in the order set out in Part 4 of Schedule 1;
- (b) the prescribed information is that set out in Part 4 of Schedule 1;
- (c) the prescribed fee is the relevant fee set out in Schedule 2.

10. *Application for transfer of licence*

For the purposes of section 24(2) of the Act—

- (a) an application for the transfer of a licence is in the prescribed form if it sets out the prescribed information in the order set out in Part 5 of Schedule 1;
- (b) the prescribed information is that set out in Part 5 of Schedule 1;
- (c) the prescribed fee is the relevant fee set out in Schedule 2.

11. *Information deemed to have been provided in certain circumstances*

- (1) An application under section 9, 16, 21, 23 or 24 of the Act is not required to be accompanied by the prescribed information in Schedule 1 if—
 - (a) that information was provided to the Secretary not later than 12 months before the date on which the application was made; and
 - (b) there had been no material change to that information since it was provided to the Secretary.
- (2) Sub-regulation (1) does not limit the powers of the Secretary to request further information in accordance with the Act.

Division 2—The Register

12. *Information in register*

For the purposes of section 53(2) of the Act, the prescribed information is—

- (a) the name and address of the children's service;
- (b) the name of the licensee;
- (c) the name of the primary nominee (if any);
- (d) the number of the licence;
- (e) whether the service is a restricted children's service;
- (f) the maximum number of children who may be cared for or educated by the service at any one time;
- (g) the date the licence was granted and the date the licence expires.

13. *Fee for copies and extracts*

For the purposes of section 53(4) of the Act, the fee for a copy of, or extract from, the Register is \$25.00.

PART 3—RECORDS

14. *Records to be kept by children's service*

- (1) The proprietor must ensure that the following records are maintained by the children's service—
- (a) an attendance book;
 - (b) child enrolment records;
 - (c) a medication book;
 - (d) an accident, injury and illness book;
 - (e) a staff record.

Penalty: 10 penalty units.

- (2) The proprietor must take reasonable steps to ensure that the records referred to in sub-regulation (1) are accurate.

Penalty: 10 penalty units.

15. *Matters to be recorded in attendance book*

The proprietor must ensure that the name and time of arrival and departure of each child being cared for or educated by the children's service are recorded in the attendance book and that the attendance book is signed by—

- (a) the person who delivers the child to the children's service and by the person who collects the child from the service; or
- (b) a staff member.

Penalty: 8 penalty units.

16. *Matters to be recorded in enrolment records*

The proprietor must ensure that the following information is inserted in each child's enrolment record—

- (a) the name, date of birth and address of the child;
 - (b) the name, address and telephone number of each parent or guardian with whom the child resides;
 - (c) the name, address and telephone number of any other parent or guardian of the child (if applicable);
 - (d) the name, address and telephone number of any person who has lawful authority to collect the child from the service, or who is authorised by such a person to collect the child;
 - (e) any court orders provided to the proprietor relating to the powers, duties, responsibilities or authorities of any person in relation to the child or access to the child;
 - (f) the name, address and telephone number of each person who has lawful authority to authorise the taking of the child outside the premises of the service by a staff member;
 - (g) the name, address and telephone number of any person who has lawful authority to consent to the medical treatment of the child;
 - (h) an authority signed by a person who has lawful authority to consent to the medical treatment of the child authorising the service to seek medical treatment by a medical practitioner, hospital or ambulance service;
 - (i) the name, address and telephone number of any person who has lawful authority to request or permit the administration of medication to the child;
 - (j) the name, address and telephone number of any person who is to be notified of any
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- accident, injury, trauma or illness involving the child;
- (k) the language or languages spoken in the child's home;
 - (l) the name, address and telephone number of the child's doctor or medical service;
 - (m) details of allergies or other relevant medical conditions and needs of the child and any management procedure to be followed with respect to that allergy, condition or need;
 - (n) details of any dietary restrictions for the child;
 - (o) the immunisation status of the child.

Penalty: 10 penalty units.

17. *Matters to be recorded in medication book*

The proprietor must ensure that the following details are recorded in the medication book—

- (a) the name of the child;
 - (b) the request or permission to administer medication;
 - (c) the name of the medication;
 - (d) the time and date the medication was last administered;
 - (e) the time and date, or the circumstances under which, the medication should be next administered;
 - (f) the dosage of the medication to be administered;
 - (g) the dosage that was administered to the child;
 - (h) the time and date when the medication was administered;
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- (i) the name and signature of the person who administered the medication;
- (j) the name and signature of the person who checked the dosage administered.

Penalty: 8 penalty units.

18. *Matters to be recorded in accident, injury and illness book*

The proprietor must ensure that the following details are recorded in the accident, injury and illness book—

- (a) details of any accident in relation to a child or injury received by a child or trauma to which a child has been subjected while being cared for or educated by the children's service including—
 - (i) the name of the child;
 - (ii) the circumstances leading to the accident, injury or trauma;
 - (iii) any products or structures involved;
 - (iv) the time and date the accident occurred, the injury was received or the child was subjected to the trauma;
 - (b) any illness which becomes apparent while the child is attending the children's service;
 - (c) the action taken by the children's service in relation to the accident, injury, trauma or illness;
 - (d) the time and date and the name of the person who was notified of the accident, injury, trauma or illness;
 - (e) the name and signature of the person making the entry.
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Penalty: 5 penalty units.

19. *Matters to be recorded in staff record*

The proprietor must ensure that the following details are recorded in the staff record—

- (a) the name, address and date of birth of each staff member;
- (b) a copy of any relevant qualifications of each staff member;
- (c) the working hours of each staff member;
- (d) a record that the notification of any criminal history referred to in regulation 27 was read and considered and of the reference number of the criminal history notification, the date of the issue of the notification and the date on which it was considered.

Penalty: 5 penalty units.

PART 4—PROVISION AND DISPLAY OF INFORMATION**20. *Information to be available***

- (1) The proprietor must ensure that the following information is displayed prominently at the main entrance to the children's service—
 - (a) the hours and days of operation of the children's service;
 - (b) the name of the licensee and, if the licensee is a body corporate, the names of the directors and officers of the body corporate who exercise or may exercise control over the operation of the children's service;
 - (c) the name of any nominee and whether that person is the primary nominee;
 - (d) an outline of the educational or recreational program provided for the children;
 - (e) the fees charged by the service;
 - (f) details of emergency evacuation procedures;
 - (g) the name and telephone number of the person at the children's service to whom complaints may be addressed;
 - (h) the address and telephone number of the responsible office of the Department;
 - (i) a list of the information available for inspection under sub-regulation (2).

Penalty: 5 penalty units.

- (2) The proprietor must ensure that information about the following matters is available for inspection at the children's service at all times the service is open for the care or education of children—

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- (a) admission requirements and enrolment procedures;
 - (b) arrangements for the payment of fees;
 - (c) the policy of the service with respect to the employment of qualified staff;
 - (d) the educational or recreational program provided for the children;
 - (e) the policy of the service with respect to behaviour management;
 - (f) arrangements for the delivery and collection of children;
 - (g) procedures for dealing with illness and emergency care;
 - (h) procedures for dealing with infectious disease;
 - (i) provision for dealing with complaints.

Penalty: 5 penalty units.

- (3) The proprietor must, within 28 days of making any change to the information referred to in sub-regulation (1) or (2), notify the parent or guardian of a child being cared for or educated by the children's service of that change.

Penalty: 2 penalty units.

21. Access to the service

Subject to any court order to the contrary, the proprietor must ensure that any parent or guardian of a child being cared for or educated by the children's service can—

- (a) enter the children's service at any time during the hours of operation; and

(b) exchange information about the child with a staff member.

Penalty: 8 penalty units.

PART 5—STAFFING

22. *Definition of staff member*

- (1) In determining who may be taken into consideration as a staff member for the purposes of these Regulations, "**staff member**" means a person aged 15 years or more who is employed or has been appointed or engaged to be responsible for the care or education of children by the children's service and includes—
- (a) the proprietor; and
 - (b) in the case of a licensee which is a body corporate, a director or other officer of the body corporate who exercises or may exercise control over the operation of the children's service.
- (2) In determining who may be taken into consideration as a staff member for the purposes of this Part, "**staff member**" does not include—
- (a) a student; or
 - (b) a person who is on a work experience program; or
 - (c) unless the children's service is a restricted children's service, a person who works at the service in a voluntary or honorary capacity.

23. *Minimum staff requirements*

The proprietor must ensure that at least 2 staff members are on duty whenever children are being cared for or educated by the children's service.

Penalty: 10 penalty units.

24. Child/staff ratios

The proprietor must ensure that whenever children are being cared for or educated by the children's service, the number of staff members set out in the Table are caring for or educating the children—

No. of children present	Age of children	Number of staff members	Number of total staff members who must be qualified staff members
15 or less	under 3	1 for every 5 children or fraction of that number	1
	3 or more	1	
16 or more	under 3	1 for every 5 children or fraction of that number	1 for every 15 children or fraction of that number
	3 or more	1 for every 15 children or fraction of that number	1 for every 30 children or fraction of that number

Penalty: 10 penalty units.

25. Qualified staff member

For the purposes of these Regulations, a person is a qualified staff member if that person—

- (a) has successfully completed a 2 year full-time, or part-time equivalent, post-secondary early childhood qualification which has been approved by the Secretary and notice of which has been published in the Government Gazette and in a publication circulating generally among children's services; or
- (b) holds a qualification that the Secretary is satisfied is substantially equivalent to a qualification referred to in paragraph (a).

26. *Staff to have first aid training*

The proprietor must ensure that at least one staff member on duty whenever children are being cared for or educated by the children's service has first aid training in emergency life support and cardio-pulmonary resuscitation, convulsions, poisoning, respiratory difficulties, management of severe bleeding, injury and basic wound care appropriate for those children.

Penalty: 10 penalty units.

27. *Criminal history checks*

- (1) The licensee must ensure that a person is not—
- (a) engaged or appointed as a member of the staff of the children's service;
 - (b) granted permission to care for or educate children at the service in an honorary or voluntary capacity—

unless the licensee or primary nominee has read a notification of any criminal history within Australia of that person issued by or on behalf of a duly authorised officer of the police force of Victoria, the Commonwealth or of another State or Territory within the 6 months immediately before that engagement, appointment or grant of permission and considered any criminal history in that notification having regard to the security, health, safety and welfare of children cared for or educated by the service.

Penalty: 10 penalty units.

- (2) If a person has been granted permission in accordance with sub-regulation (1), the licensee is not obliged to ensure that a notification referred to in that sub-regulation is read and considered in respect of any further grant of permission for that

person if the further permission relates to a period immediately following—

- (a) the initial period in respect of which sub-regulation (1) has been complied with; or
 - (b) a further period in respect of which sub-regulation (1) has been complied with.
- (3) This regulation does not apply to—
- (a) a person who—
 - (i) has been granted permission to care for or educate children in an honorary or voluntary capacity at a children's service; and
 - (ii) is not a staff member in a restricted service—if that person cares for or educates children at the service under the immediate supervision of the proprietor or a qualified staff member; or
 - (b) a person in respect of whom a notification of any criminal history cannot be issued for the purposes of sub-regulation (1) because of the person's age if that person cares for or educates children under the immediate supervision of the proprietor or a qualified staff member.
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PART 6—CHILDREN'S PROGRAMS

28. *Educational or recreational programs*

The proprietor must ensure that there is made available to all children cared for or educated by the children's service an educational or recreational program that is—

- (a) based on the developmental needs, interests and experiences of each of the children cared for or educated by the service; and
- (b) sensitive to individual differences of those children.

Penalty: 10 penalty units.

29. *Equipment*

The proprietor must ensure that each child cared for or educated by the children's service has access to furniture, materials and equipment suitable for the educational or recreational program provided for that child.

Penalty: 10 penalty units.

PART 7—HEALTH AND WELFARE OF CHILDREN**Division 1—Security****30. Access to children**

The proprietor must ensure that a child cared for or educated by the children's service is not—

- (a) given into the care of any person other than—
 - (i) a parent; or
 - (ii) a guardian; or
 - (iii) a person who has lawful authority to collect the child from the service; or
 - (iv) a person who is authorised by the parent, guardian or person who has lawful authority to collect the child; or
- (b) taken outside the premises of the children's service except by a staff member.

Penalty: 10 penalty units.

31. Removal of child by staff member

- (1) Before a child is taken outside the premises of the children's service by a staff member, the proprietor must ensure that a person whose name is recorded in the child's enrolment record to authorise the taking of the child outside the premises by a staff member has given a written authorisation for the removal that acknowledges—
 - (a) the reason why the child is to be taken outside the premises;
 - (b) the date when the child is to be taken outside the premises;

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- (c) the proposed destination;
 - (d) the method of transport;
 - (e) the proposed activities;
 - (f) the period when the child will be away from the premises;
 - (g) the number of staff members and any other responsible person who will accompany and supervise the child.

Penalty: 8 penalty units.

- (2) If any child is taken outside the premises of the children's service, the proprietor must ensure that a staff member accompanying the child carries a basic first aid kit and details of the telephone number of any person who is to be notified of any accident, injury, trauma or illness involving the child and the child's doctor or medical service.

Penalty: 8 penalty units.

- (3) Sub-regulation (2) does not apply to the taking of a child by a staff member from the premises of the children's service to another children's service.

32. *Removal of child in emergency*

Regulations 30 and 31 do not apply to the removal of a child requiring medical, hospital or ambulance care or treatment or in any other emergency.

Division 2—Safety

33. *Emergency procedures*

The proprietor must ensure that emergency procedures are developed and regularly practised with staff and volunteers and children being cared for or educated by the children's service.

Penalty: 10 penalty units.

34. *Communication equipment*

The proprietor must ensure that staff of the children's service have ready access to an operating telephone or other similar means of communication when—

- (a) children are being cared for or educated by the children's service; or
- (b) attending children taken outside the premises of the children's service except in the circumstances referred to in regulation 32.

Penalty: 5 penalty units.

Division 3—Hygiene and Personal Care**35. *Personal hygiene needs of children***

- (1) The proprietor must ensure that the personal hygiene needs of children being cared for or educated by the children's service are attended to as soon as practicable.

Penalty: 10 penalty units.

- (2) The proprietor must ensure that children being cared for or educated by the children's service do not make common use of items intended for a child's personal care.

Penalty: 8 penalty units.

Division 4—Administration of Medicines**36. *Authorisation to administer medication***

- (1) The proprietor must ensure that if medication is administered to a child being cared for or educated by the children's service—

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- (a) the person whose name is recorded in the child's enrolment record as being authorised to request or permit the administration of medication to the child has given a written request or permission to administer the medication; and
 - (b) the medication is administered from its original container bearing the original label and instructions and before the expiry or use by date; and
 - (c) the dosage of the medication administered to the child is checked by a person other than the person administering the medication.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply in an emergency if the person referred to in sub-regulation (1)(a) has given oral authorisation for the administration of the medication to the child and, within 7 days after the oral authorisation was given, confirms that authorisation in writing.

Division 5—First Aid and Emergency Care

37. *First aid kit*

- (1) The proprietor must supply and maintain a suitably equipped first aid kit at the children's service.

Penalty: 10 penalty units.

- (2) The proprietor must ensure that the first aid kit referred to in sub-regulation (1) is—
 - (a) easily recognisable and readily accessible to staff; and
 - (b) inaccessible to children.

Penalty: 5 penalty units.

38. Sick or injured child

- (1) If a child becomes ill, has an accident or is injured or traumatised as a consequence of an incident while being cared for or educated by a children's service, the proprietor must ensure that the parent or guardian with whom the child resides is notified as soon as practicable.

Penalty: 8 penalty units.

- (2) If necessary in the interests of the health, safety or well being of the child referred to in sub-regulation (1) or the other children attending the children's service, the proprietor must ensure that arrangements are made for the child to be removed from the service as soon as practicable.

Penalty: 5 penalty units.

39. Notification of infectious disease

If there is an occurrence at a children's service of an infectious disease listed in Schedule 5 to the Health (Infectious Diseases) Regulations 1990¹, the proprietor must ensure that the parent or guardian with whom each child cared for or educated by the service resides is notified as soon as practicable of the occurrence.

Penalty: 5 penalty units.

Division 6—Serious Incidents**40. Secretary to be notified of a serious incident**

The proprietor must notify the Secretary as soon as practicable—

- (a) of the death of a child while being cared for or educated by the children's service; or
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- (b) of any incident involving an accident or injury or trauma to a child while being cared for or educated by the service requiring the attention of a registered medical practitioner or admission to a hospital; or
 - (c) if a child appears to be missing or otherwise cannot be accounted for or appears to have been taken or removed from the service contrary to regulation 30 or 31(1).

Penalty: 8 penalty units.

PART 8—FACILITIES**Division 1—Application of Part****41. Provisions which do not apply to particular services**

- (1) Regulations 42(4), 43(1)(b), (c) and (d) and 45 do not apply to the premises of a children's service which was not registered as a children's services centre under the **Health Act 1958** immediately before 1 June 1998.
- (2) Regulations 42(1)(b), 42(4), 43(1)(a), 45 and 46 do not apply to the premises of a restricted children's service.
- (3) A requirement of this Part does not apply to the premises of a children's service which satisfies a corresponding requirement under the **Building Act 1993**.

Division 2—Rooms and Areas**42. Children's rooms**

- (1) The licensee must provide at the children's service—
 - (a) a children's room; and
 - (b) at least two children's rooms if children under 3 years of age are being cared for or educated at the service.

Penalty: 10 penalty units.

- (2) The licensee must ensure that the floor area of a children's room allows a clear space of at least 3.3 square metres for each child being cared for or educated in that room.

Penalty: 10 penalty units.

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- (3) In calculating the floor area of a children's room, any passageway or thoroughfare less than 3 metres wide, any kitchen, toilet, shower area, cupboard or other storage area, door swing areas, cot rooms and areas permanently set aside for the use or storage of cots and any other ancillary area must be excluded.
- (4) The licensee must ensure that natural lighting is provided in a children's room and that—
- (a) windows providing natural light have an aggregate light transmitting area, measured excluding frames, glazing bars or other obstructions, of not less than 10% of the floor area of the room; and
 - (b) windows providing natural light are open to the sky or face a court or other open space to the sky or an open verandah, carport or other similar structure; and
 - (c) the sills of at least 50% of the required windows are located not more than 1000 millimetres above floor level.

Penalty: 10 penalty units.

43. *Outdoor space*

- (1) The licensee must ensure that—
- (a) outdoor space is provided at the children's service with a useable area of at least 7 square metres for each child who may be cared for or educated by the children's service; and
 - (b) any outdoor space is enclosed by a fence or barrier;
 - (c) the fence or barrier is at least 1.5 metres high measured from ground level; and

- (d) a child being cared for or educated by the children's service cannot go through, over or under the fence or barrier or any gate or fitting.

Penalty: 10 penalty units.

- (2) In calculating the area of useable outdoor space, pathways or thoroughfares less than 3 metres wide, car parking areas, ancillary areas, storage sheds and other fixed items that prevent children from using the space must be excluded.

44. *Administration room to be provided*

The licensee must provide an administration room at the children's service for conducting administrative functions of the service and consultations with parents and guardians of children and for the respite of staff members.

Penalty: 2 penalty units.

Division 3—Toilet and Washing Facilities

45. *Toilets and hand basins*

The licensee of a children's service must ensure that there are provided for the use of children being cared for or educated by the children's service—

- (a) not less than 2 junior toilets separated by partitions; and
- (b) either—
 - (i) not less than 2 hand basins; or
 - (ii) a hand washing trough served by 2 or more water taps—

located so that the front edge of the basins or trough is not more than 600 millimetres above floor level.

Penalty: 5 penalty units.

46. *Observance of children using junior toilets*

The licensee of a children's service must ensure that children using junior toilets at the service can be observed by a staff member from the children's room or rooms which those toilets serve.

Penalty: 8 penalty units.

47. *Use of adult toilets and hand basins*

(1) If the licensee of a children's service makes use of existing adult toilets, the licensee must ensure that—

- (a) the toilets are fitted with removable seats suitable for children and with wide and stable steps in front; and
- (b) a staff member accompanies, supervises and assists children using the toilets.

Penalty: 5 penalty units.

(2) If the licensee of a children's service makes use of existing adult hand basins which do not comply with regulation 45(b)(i), the licensee must ensure that—

- (a) a wide and stable step is provided; and
- (b) a staff member accompanies, supervises and assists children using the hand basins.

Penalty: 5 penalty units.

Division 4—Other Requirements**48. *Facilities for nappy changing***

If children under 3 years of age are cared for or educated by a children's service, the proprietor must ensure that facilities are provided for changing nappies in a safe and hygienic manner.

Penalty: 8 penalty units.

49. *Requirements for cots, beds or stretchers*

The proprietor must ensure that—

- (a) an adequate number of suitable cots, beds, stretchers or mattresses are provided for the use of sleeping children at the children's service; and
- (b) an adequate supply of bedding and bed linen is available; and
- (c) all bedding and bed linen is kept clean and maintained in good repair.

Penalty: 8 penalty units.

50. *Requirements for food preparation*

- (1) The proprietor must ensure that facilities to cook or to heat food, washing up facilities and refrigerated food storage facilities are available to and accessible by staff to enable them to prepare and provide food for children being cared for or educated by the children's service.

Penalty: 8 penalty units.

- (2) The proprietor must ensure that if food is supplied by the children's service and provided to the children at the children's service—
 - (a) a weekly menu is displayed describing the food to be provided each day;

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- (b) the food is adequate, both in quality and quantity, and appropriate to the children's growth, cultural and development needs.

Penalty: 8 penalty units.

- (3) The proprietor must ensure that if food is provided to children at a children's service, whether or not that food is supplied by the service—

- (a) the food is offered to children at frequent and regular intervals;
- (b) cleanliness is observed where the food is stored, handled and prepared on the premises;
- (c) all food on the premises intended for consumption is protected at all times from contamination;
- (d) there are suitable eating arrangements for children at the service.

Penalty: 8 penalty units.

- (4) In this regulation, "**food**" includes beverage.
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PART 9—GENERAL**51. *Complaints***

- (1) The proprietor must deal with, and respond to, complaints relating to the children's service—
 - (a) as soon as practicable after the complaint is made; and
 - (b) as discreetly as practicable in the circumstances; and
 - (c) in a way that deals with the complaint.

Penalty: 8 penalty units.

- (2) The proprietor must notify the Secretary within 48 hours after a complaint is made if the complaint alleges that—
 - (a) the health, safety or well being of any child within the children's service may have been compromised; or
 - (b) there may have been a contravention of the Act or these Regulations.

Penalty: 8 penalty units.

52. *Act and Regulations to be available*

The proprietor must ensure that a copy of the Act and these Regulations is available at the children's service at all times for use by staff members or any person seeking to make use of the service.

Penalty: 2 penalty units.

PART 10—TRANSITIONAL PROVISIONS

53. Definitions

In this Part—

"pre-1989 service" means the registered premises or place of a children's service referred to in section 61(3) of the Act;

"post-1989 service" means the registered premises or place of a children's service to which section 61(3) of the Act does not apply and that was first registered as a children's services centre under the **Health Act 1958** on or after 1 February 1989 but before 1 June 1998 and in respect of which the registration was in force immediately before 1 June 1998;

"the 1988 Regulations" means the Children's Services Centres Regulations 1988² as in force immediately before 1 June 1998.

54. Transitional provisions for pre-1989 services

- (1) Regulation 42(3) does not apply to a pre-1989 service before 1 June 2003 if the space for each child in a children's room is calculated in accordance with—
- (a) regulation 602(a) of the Child Minding Centres Regulations 1984³ in the case of a service which was registered as a child minding centre under those Regulations; or
 - (b) clause 25 of the Schedule to the Health (Pre-School Centres Building) Regulations 1984⁴ in the case of premises which were approved under those Regulations.

- (2) Regulation 43(2) does not apply to a pre-1989 service until 1 June 2003 if the outdoor space is calculated in accordance with—
 - (a) regulation 601(2) of the Child Minding Centres Regulations 1984 in the case of a service which was registered as a child minding centre under those Regulations; or
 - (b) clause 11 of the Schedule to the Health (Pre-School Centres Building) Regulations 1984 in the case of premises which were approved under those Regulations.
- (3) Regulation 45(b) does not apply before 1 June 2003 to a pre-1989 service if the hand basins comply with—
 - (a) regulation 602(2) of the Child Minding Centres Regulations 1984 in the case of a service which was registered as a child minding centre under those Regulations; or
 - (b) clause 31(2) of the Schedule to the Health (Pre-School Centres Building) Regulations 1984 in the case of premises which were approved under those Regulations.
- (4) Regulation 46 does not apply to a pre-1989 service before 1 June 2003.

55. *Transitional provisions for post-1989 services*

- (1) Regulation 42(3) does not apply before 1 June 2003 to a post-1989 service if the clear space for each child in a children's room is calculated in accordance with regulation 56(2) of the 1988 Regulations.
- (2) Regulation 43(1)(d) does not apply before 1 June 2003 to a post-1989 service if outdoor space is fenced in accordance with regulation 106 of the 1988 Regulations.

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- (3) Regulation 43(2) does not apply before 1 June 2003 to a post-1989 service if the area of outdoor space is calculated in accordance with regulation 56(2) of the 1988 Regulations.
 - (4) Regulation 45(b) does not apply before 1 June 2003 to a post-1989 service if the hand basins comply with regulation 68 of the 1988 Regulations.

56. *Transitional provision for staff qualified under 1988 Regulations*

Despite regulation 25, a person may be employed as a qualified staff member if, immediately before 1 June 1998, that person—

- (a) possessed a qualification prescribed in Schedule I to the 1988 Regulations or a comparable qualification recognised by the Secretary under regulation 30 of the 1988 Regulations; and
- (b) was employed as a qualified staff member at a children's service centre registered or exempted from registration under the **Health Act 1958** at any time during the period commencing on 1 January 1998 and ending immediately before 1 June 1998.

57. *Transitional provision with respect to child/staff ratios*

- (1) Regulation 24 does not apply before 1 January 1999 to the proprietor of a children's service which was registered as a children's services centre Class 1 under the **Health Act 1958** immediately before 1 June 1998 if the number of staff in attendance complies with regulations 25 and 27 of the 1988 Regulations.
- (2) Regulation 24 does not apply before 1 June 2003 to the proprietor of a restricted children's service which was registered under the **Health Act 1958**

immediately before 1 June 1998 as a children's services centre Class 2 if—

- (a) no child is cared for or educated at the service for more than 3 hours each day and no more than 10 hours each week; and
 - (b) at all times when children are being cared for or educated by the service—
 - (i) there is present 1 staff member for every 7 children, or fraction of that number; and
 - (ii) each staff member is not less than 18 years of age; and
 - (c) in the case of a service registered for more than 21 places, there is present—
 - (i) 1 qualified staff member for every 15 children, or fraction of that number, under 3 years of age;
 - (ii) 1 qualified staff member for every 30 children, or fraction of that number, 3 years of age and over.
- (3) The proprietor of a children's service to whom sub-regulation (1) or sub-regulation (2) relates may, at any time while regulation 24 of these regulations does not apply, nominate in writing to the Secretary a daily core time during which qualified staff must be on duty in the ratio prescribed by regulation 27 of the 1988 Regulations or sub-regulation (2) of these Regulations, as the case may be.
- (4) A daily core time must not be less than 75% of the time during which the service is caring for or educating children.
- (5) Despite the revocation of the 1988 Regulations, a nomination by the proprietor of a children's
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service of a daily core time under regulation 29 of those Regulations continues to have effect as if it were a nomination made under sub-regulation (3) of this regulation.

- (6) The nomination of a daily core time ceases to have effect—
- (a) if the nomination is withdrawn or cancelled by the proprietor of the children's service; or
 - (b) when regulation 24 of these Regulations apply to the proprietor—

whichever first occurs.

58. *Transitional provision for restricted children's services*

Regulations 20(1)(d), 20(2)(d), 28 and 29 do not apply before 1 June 1999 to the proprietor of a restricted children's service which immediately before 1 June 1998 was registered under the **Health Act 1958** as a children's services centre Class 2.

59. *Transitional provision for services previously exempt from registration*

A children's service which was, immediately before 1 June 1998 exempted from registration under regulation 28 of the 1988 Regulations is exempted from complying with the requirements of the number of qualified staff members in regulation 24 of these Regulations until 1 June 2003 in relation to any staff member engaged or appointed before 1 June 1998.

SCHEDULES**SCHEDULE 1****PRESCRIBED INFORMATION****PRELIMINARY***Definitions*

In this Schedule—

"building permit" means a copy of a building permit issued under Part 3 of the **Building Act 1993** which has been issued on or after 1 August 1997;

"building surveyor's statement" means a statement issued on or after 1 August 1997 by a building surveyor registered under Part 11 of the **Building Act 1993** that reports on whether the plans and specifications of premises to be used to operate a children's service comply with those BCA provisions that apply specifically to children's services;

"certificate of final inspection" means a copy of a certificate of final inspection issued under Part 4 of the **Building Act 1993** on or after 1 August 1997;

"charges and convictions declaration" means a declaration made by a person in the 6 months preceding an application under the **Children's Services Act 1996** stating—

- (a) whether the person has been charged with an offence in any Australian jurisdiction and found guilty; and
- (b) whether the person has been charged with an offence in any Australian jurisdiction and that charge has not been tried or determined; and
- (c) the details of any charges or findings of guilt under paragraph (a) or (b);

"company" includes a company within the meaning of the Corporations Law;

"control declaration", in relation to an applicant that is a body corporate, means a declaration signed and

sealed on behalf of the body corporate in accordance with its rules or articles of association or the Act or regulations under which the body corporate is constituted (including an Act or regulations of the Commonwealth) indicating the resolution of the body corporate as to—

- (a) which directors or officers exercise or may exercise control over the operation of the children's service; and
- (b) the full name of any other person who exercises or may exercise control over the operation of the children's service;

"co-operative" means a society within the meaning of the **Co-operation Act 1981** or a co-operative within the meaning of the **Co-operatives Act 1996**;

"corporation" means a body corporate formed or incorporated under an Act of Victoria, the Commonwealth or of another State or Territory but does not include a company, co-operative or incorporated association;

"criminal history check" means a notification of any criminal history of a person within Australia issued by or on behalf of a duly authorised officer of the police force of Victoria, the Commonwealth or of another State or Territory;

"financial declaration" means—

- (a) in relation to a natural person, a declaration made by the person about his or her financial background including whether or not the person is or has been declared bankrupt or insolvent;
- (b) in relation to a body corporate, means a declaration signed by a director or officer of the body corporate about the ability of the body corporate to meet its debts;

"health declaration" means a declaration made by a person indicating whether he or she believes on reasonable grounds that he or she has not suffered and does not currently suffer from any mental or physical condition that may impair his or her ability to operate,

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exercise control over, or manage or control a children's service;

"identity statement", in relation to a natural person, means a statement providing adequate information to establish the identity of the person and witnessed by another person who does not have an interest in the application;

"incorporated association" includes an incorporated association incorporated under the **Associations Incorporation Act 1981**;

"nominee declaration" means a declaration made about a nominee made by—

- (a) in the case of an application for the transfer of a licence, the transferee; and
- (b) in any other case, the applicant—

stating the nominee's full name, former name (if any), residential address and date of birth and indicating that the person making the declaration believes on reasonable grounds that the nominee is a fit and proper person to manage or control a children's service;

"occupancy permit" means a copy of an occupancy permit issued under Part 5 of the **Building Act 1993** on or after 1 August 1997;

"offence" does not include an offence against the **Road Safety Act 1986** or any previous corresponding enactment or the regulations under that Act or enactment or any corresponding offence under an Act of the Commonwealth, or another State or Territory;

"partnership" includes a partnership within the meaning of the **Partnership Act 1958**;

"planning permit" means a copy of a planning permit or certificate of compliance granted under the **Planning and Environment Act 1987** for the land or premises where the children's service is to operate or is operating;

"plans" means the plans of the site and any physical facilities or premises used or proposed to be used by the children's service for the care of children,

including the siting, design, layout and security of premises;

"primary nominee declaration" means a declaration made about a primary nominee made by—

- (a) in the case of an application for the transfer of a licence, the transferee; and
- (b) in any other case, the applicant—

stating the nominee's full name, former name (if any), residential address and date of birth and indicating that the person making the declaration believes on reasonable grounds that the nominee is a fit and proper person to manage or control a children's service and to have primary responsibility for the management or control of the service in the absence of the licensee;

"referee statement" means a statement made by a person ("the referee") about another person indicating—

- (a) the name and address of the person to whom the statement relates;
- (b) the name, address and telephone and facsimile numbers of the referee;
- (c) the referee's relationship to the person to whom the statement relates;
- (d) whether the person is of good repute having regard to his or her character, honesty and integrity;
- (e) whether the person is of a sound financial reputation and stable financial background;
- (f) whether the person has—
 - (i) in the case of a person who is to operate a children's service, the appropriate knowledge, ability and experience to operate a children's service;
 - (ii) in the case of a director or officer of a body corporate, the appropriate knowledge, ability and experience to exercise control over a children's service;
 - (iii) in the case of a nominee, the appropriate knowledge, ability and experience to

manage or control a children's service in
the absence of the proprietor.

PART 1

Regulation 5

APPLICATION FOR APPROVAL IN PRINCIPLE

DIVISION 1

**INFORMATION REQUIRED FOR AN APPLICATION FOR
APPROVAL IN PRINCIPLE FOR LAND OR PREMISES
PROPOSED TO BE USED FOR OPERATING A SERVICE**

**A. INFORMATION REQUIRED FROM ALL APPLICANTS
(WHETHER NATURAL PERSONS OR BODIES
CORPORATE)—**

- (a) the full name and address of the person applying for the approval in principle;
- (b) the proposed children's service's name, street address and the municipal district in which the service is to be located;
- (c) whether or not the proposed children's service is to be a restricted children's service or a short term service or both;
- (d) the name and telephone and facsimile numbers of the contact person for the purposes of the application;
- (e) a statement indicating whether the applicant or its directors or officers intend to be present at all times at the premises where the children's service is to operate or to employ a person to manage or control the children's service in the absence of the applicant or its directors or officers;
- (f) the types of services proposed to be provided by the children's service and the proposed ages of children to be cared for or educated by the children's service;
- (g) copies of plans.

**B. INFORMATION REQUIRED FROM COMPANY, CO-
OPERATIVE AND INCORPORATED ASSOCIATION
APPLICANTS—**

-
- (a) a financial declaration; and
 - (b) a control declaration.

C. INFORMATION REQUIRED FROM THE FOLLOWING INDIVIDUALS—

Natural person applicants—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration;
- (d) the names, addresses and telephone numbers of two people who are able to make a referee statement;
- (e) a summary of experience and evidence of qualifications relevant to operating a children's service;
- (f) a health declaration.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration;
- (d) the names, addresses and telephone numbers of two people who are able to make a referee statement;
- (e) a summary of experience and evidence of qualifications relevant to exercising control over the operation of a children's service;
- (f) a health declaration.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration.

DOCUMENTS REQUIRED TO ACCOMPANY AN APPLICATION FOR APPROVAL IN PRINCIPLE FOR LAND OR PREMISES PROPOSED TO BE USED FOR OPERATING A SERVICE

**A. DOCUMENTS REQUIRED FROM ALL APPLICANTS
(WHETHER NATURAL PERSONS OR BODIES
CORPORATE)—**

- (a) a planning permit;
- (b) if an application for approval in principle is for the construction of premises to be used to operate a children's service or alteration or extension of premises used or proposed to be used for operating a children's service, a building permit;
- (c) if an application for approval in principle is for the use of particular premises to operate a children's service, an occupancy permit or a certificate of final inspection or building surveyor's statement.

**B. DOCUMENTS REQUIRED FROM COMPANY, CO-
OPERATIVE, INCORPORATED ASSOCIATION AND
PARTNERSHIP APPLICANTS—**

- (a) proof of incorporation or registration or, if the applicant is a member of a partnership, the deed of partnership (if any); and
- (b) if the applicant is a company, a current extract from the register of the Australian Securities Commission showing the company's status, address of principal place of business and directors and company officers.

**C. DOCUMENTS REQUIRED FROM THE FOLLOWING
INDIVIDUALS—**

Natural person applicants—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding this application.

**Each company and co-operative director and incorporated
association officer who exercises or may exercise control over
the operation of the service—**

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding this application.

**Each officer of a company or corporation who exercises or
may exercise control over the operation of the service—**

- (a) an identity statement;
-

-
- (b) a criminal history check issued within the 6 months preceding this application.

DIVISION 2

INFORMATION REQUIRED FOR AN APPLICATION FOR APPROVAL IN PRINCIPLE FOR ALTERATIONS OR EXTENSIONS TO PREMISES CURRENTLY USED FOR OPERATING A SERVICE

INFORMATION REQUIRED FROM ALL APPLICANTS—

- (a) the children's service's licence number or registration identification number;
- (b) the full name and address of the licensee;
- (c) the children's service's name, street and postal address, and telephone and facsimile numbers;
- (d) the name and telephone and facsimile numbers of the contact person for the purposes of the application;
- (e) copies of plans.

DOCUMENTS REQUIRED TO ACCOMPANY AN APPLICATION FOR APPROVAL IN PRINCIPLE FOR ALTERATIONS OR EXTENSIONS TO PREMISES CURRENTLY USED FOR OPERATING A SERVICE

DOCUMENTS REQUIRED FROM ALL APPLICANTS—

- (a) a planning permit;
 - (b) a building permit.
-

PART 2

Regulation 6

**INFORMATION REQUIRED FOR AN APPLICATION FOR A
LICENCE**

**A. INFORMATION REQUIRED FROM ALL APPLICANTS
(WHETHER NATURAL PERSONS OR BODIES
CORPORATE)—**

- (a) the children's service approval in principle number;
- (b) the full name and address of the holder of the certificate of the approval in principle;
- (c) the proposed children's service's name, street and postal address, municipal district, telephone and facsimile numbers;
- (d) the name and telephone and facsimile numbers of the contact person for the purposes of the application;
- (e) details of all changes with respect to the management, operation, design or location of premises;
- (f) the types of services proposed to be provided by the children's service specifying the proposed hours and days of operation and the number and ages of children to be cared for or educated by the children's service;
- (g) a statement of the principles by which the proposed educational and recreational programs will operate;
- (h) for each proposed nominee, a nominee declaration;
- (i) copies of plans;
- (j) the licence period sought.

**B. INFORMATION REQUIRED FROM COMPANY, CO-
OPERATIVE AND INCORPORATED ASSOCIATION
APPLICANTS—**

- (a) a financial declaration;
- (b) a control declaration.

C. INFORMATION REQUIRED FROM APPLICANTS WHO WILL ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

A primary nominee declaration for any primary nominee.

D. INFORMATION REQUIRED FROM APPLICANTS WHO WILL NOT ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

Information required in relation to the primary nominee—

- (a) full name, address and date of birth;
- (b) the names, addresses and telephone numbers of two people who are able to make a referee statement.

E. INFORMATION REQUIRED FROM THE FOLLOWING INDIVIDUALS—

Natural person applicants—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration;
- (d) a health declaration.

Each company or co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration;
- (d) a health declaration.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration.

**DOCUMENTS REQUIRED TO ACCOMPANY AN
APPLICATION FOR A LICENCE****A. DOCUMENTS REQUIRED FROM ALL APPLICANTS
(WHETHER NATURAL PERSONS OR BODIES
CORPORATE)—**

- (a) calculations of the areas referred to in regulations 42(2) and 43(1)(a) by a building surveyor or building inspector or engineer or draftsman registered as a building practitioner under the **Building Act 1993** or by an architect registered under the **Architects Act 1991** or by a licensed surveyor within the meaning of the **Surveyors Act 1978**;
- (b) if the location of the premises of the children's service has been changed since the granting of the approval in principle, a planning permit for the new location;
- (c) if the application for approval in principle was granted for—
 - (i) the use of particular land or premises to operate a children's service; or
 - (ii) premises proposed to be constructed to operate a children's service; or
 - (iii) the alteration or extension of premises proposed to be used to operate a children's service—
an occupancy permit or certificate of final inspection or building surveyor's statement.

**B. DOCUMENTS REQUIRED FROM COMPANY
APPLICANTS—**

A current extract from the register of the Australian Securities Commission showing the company's status, address of principal place of business and directors and company officers.

**C. DOCUMENTS REQUIRED FROM APPLICANTS WHO
WILL NOT ATTEND THE SERVICE DAILY TO MANAGE
OR CONTROL THE SERVICE—**

Information required in relation to the primary nominee—

- (a) a charges and convictions declaration;
- (b) an identity statement;
- (c) a criminal history check issued within the 6 months preceding the application;

- (d) a summary of experience and evidence of qualifications relevant to managing or controlling a children's service;
- (e) a health declaration.

D. DOCUMENTS REQUIRED FROM THE FOLLOWING INDIVIDUALS—

Natural person applicants—

A criminal history check issued within the 6 months preceding the application.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

A criminal history check issued within the 6 months preceding the application.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

A criminal history check issued within the 6 months preceding the application.

PART 3

Regulation 8

INFORMATION REQUIRED FOR AN APPLICATION FOR RENEWAL OF A LICENCE

A. INFORMATION REQUIRED FROM ALL APPLICANTS (WHETHER NATURAL PERSONS OR BODIES CORPORATE)—

- (a) the children's service's licence number or registration identification number;
- (b) the full name and address of the licensee;
- (c) the children's service's name, street and postal address, and telephone and facsimile numbers;
- (d) the renewal period sought;
- (e) the name and telephone and facsimile numbers of the contact person for the purposes of the application;

- (f) the types of services provided by the children's service specifying the hours and days of operation and the number and ages of children to be cared for or educated by the children's service;
- (g) a statement indicating whether the applicant or its directors or officers intend to be present at all times at the premises where the children's service is to operate or to employ a person to manage or control the children's service in the absence of the applicant or its directors or officers; and
- (h) for each nominee, a nominee declaration.

B. INFORMATION REQUIRED FROM THE FOLLOWING INDIVIDUALS—

Natural person applicants—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration.

C. INFORMATION REQUIRED FROM COMPANY, CO-OPERATIVE AND INCORPORATED ASSOCIATION APPLICANTS—

- (a) a financial declaration;
- (b) a control declaration.

D. INFORMATION REQUIRED FROM APPLICANTS WHO WILL ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

A primary nominee declaration for any primary nominee.

**E. INFORMATION REQUIRED FROM APPLICANTS WHO
WILL NOT ATTEND THE SERVICE DAILY TO MANAGE
OR CONTROL THE SERVICE—**

Information required in relation to the primary nominee—

- (a) full name, address and date of birth;
- (b) the names, addresses and telephone numbers of two people who are able to make a referee statement.

**DOCUMENTS REQUIRED TO ACCOMPANY AN
APPLICATION FOR A RENEWAL OF A LICENCE**

**A. DOCUMENTS REQUIRED FROM COMPANY, CO-
OPERATIVE, INCORPORATED ASSOCIATION AND
PARTNERSHIP APPLICANTS—**

- (a) proof of incorporation or registration or, if the applicant is a member of a partnership, the deed of partnership (if any); and
- (b) if the applicant is a company, a current extract from the register of the Australian Securities Commission showing the company's status, address of principal place of business and directors and company officers.

**B. DOCUMENTS REQUIRED FROM APPLICANTS WHO
WILL NOT ATTEND THE SERVICE DAILY TO MANAGE
OR CONTROL THE SERVICE—**

Information required in relation to the primary nominee—

- (a) a charges and convictions declaration;
- (b) an identity statement;
- (c) a criminal history check issued within the 6 months preceding this application;
- (d) a summary of experience and evidence of qualifications relevant to managing or controlling a children's service;
- (e) a health declaration.

**C. DOCUMENTS REQUIRED FROM THE FOLLOWING
INDIVIDUALS—**

Natural person applicants—

- (a) an identity statement;
 - (b) a criminal history check issued within the 6 months preceding the application.
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Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding the application.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding the application.

PART 4

Regulation 9

APPLICATION FOR VARIATION, ETC. OF A LICENCE

DIVISION 1

INFORMATION REQUIRED FOR AN APPLICATION TO VARY, REVOKE OR IMPOSE A CONDITION ON A LICENCE OR TO VARY THE PERIOD OF A LICENCE BY NOT MORE THAN 3 MONTHS

INFORMATION REQUIRED FROM ALL APPLICANTS (WHETHER NATURAL PERSONS OR BODIES CORPORATE)—

- (a) the children's service's licence number or registration identification number;
- (b) the full name and address of the licensee;
- (c) the children's service's name, street and postal address and telephone and facsimile numbers;
- (d) the name and telephone and facsimile numbers of the contact person for the purposes of the application;

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- (e) if applicable, a statement indicating the variation of the licence period sought and the reasons for the variation;
 - (f) if applicable, a list of the conditions or restrictions on the licence that are proposed to be imposed, varied or revoked;
 - (g) if applicable, reasons for the proposed imposition, variation or revocation of conditions or restrictions.

DIVISION 2

**INFORMATION REQUIRED FOR AN APPLICATION TO
VARY THE PERIOD OF A LICENCE BY MORE THAN
3 MONTHS**

**A. INFORMATION REQUIRED FROM ALL APPLICANTS
(WHETHER NATURAL PERSONS OR BODIES
CORPORATE)—**

- (a) the children's service's licence number or registration identification number;
- (b) the full name and address of the licensee;
- (c) the children's service's name, street and postal address, and telephone and facsimile numbers;
- (d) the licence period sought;
- (e) the name and telephone and facsimile numbers of the contact person for the purposes of the application;
- (f) the types of services provided by the children's service specifying the hours and days of operation and the number and ages of children to be cared for or educated by the children's service;
- (g) a statement indicating whether the applicant or its directors or officers intend to be present at all times at the premises where the children's service is to operate or to employ a person to manage or control the children's service in the absence of the applicant or its directors or officers; and
- (h) for each nominee, a nominee declaration.

**B. INFORMATION REQUIRED FROM THE FOLLOWING
INDIVIDUALS—**

Natural person applicants—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration.

C. INFORMATION REQUIRED FROM COMPANY, CO-OPERATIVE AND INCORPORATED ASSOCIATION APPLICANTS—

- (a) a financial declaration;
- (b) a control declaration.

D. INFORMATION REQUIRED FROM APPLICANTS WHO WILL ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

A primary nominee declaration for any primary nominee.

E. INFORMATION REQUIRED FROM APPLICANTS WHO WILL NOT ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

Information required in relation to the primary nominee—

- (a) full name, address and date of birth;
- (b) the names, addresses and telephone numbers of two people who are able to make a referee statement.

DOCUMENTS REQUIRED TO ACCOMPANY AN APPLICATION FOR AN APPLICATION TO VARY THE PERIOD OF A LICENCE BY MORE THAN 3 MONTHS

A. DOCUMENTS REQUIRED FROM COMPANY, CO-OPERATIVE, INCORPORATED ASSOCIATION AND PARTNERSHIP APPLICANTS—

- (a) proof of incorporation or registration or, if the applicant is a member of a partnership, the deed of partnership (if any); and
- (b) if the applicant is a company, a current extract from the register of the Australian Securities Commission showing the company's status, address of principal place of business and directors and company officers.

B. DOCUMENTS REQUIRED FROM APPLICANTS WHO WILL NOT ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

Information required in relation to the primary nominee—

- (a) a charges and convictions declaration;
- (b) an identity statement;
- (c) a criminal history check issued within the 6 months preceding the application;
- (d) a summary of experience and evidence of qualifications relevant to managing or controlling a children's service;
- (e) a health declaration.

C. DOCUMENTS REQUIRED FROM THE FOLLOWING INDIVIDUALS—

Natural person applicants—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding the application.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding the application.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) an identity statement;

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- (b) a criminal history check issued within the 6 months preceding the application.
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PART 5

Regulation 10

**INFORMATION REQUIRED FOR AN APPLICATION FOR
THE TRANSFER OF A LICENCE**

**A. INFORMATION REQUIRED FROM ALL APPLICANTS
(WHETHER NATURAL PERSONS OR BODIES
CORPORATE)—**

- (a) the children's service's licence number or registration identification number;
- (b) the full name and address of the licensee;
- (c) the children's service's name, street and postal address, and telephone and facsimile numbers;
- (d) the proposed transferee's full name and address;
- (e) the name and telephone and facsimile numbers of the contact person for the purposes of the application;
- (f) a statement indicating whether the proposed transferee, or its directors or officers, intend to be present at all times at the premises where the children's service is to operate or to employ a person to manage or control the children's service in the proposed absence of the transferee or its directors or officers;
- (g) the types of services proposed to be provided by the children's service specifying the proposed hours and days of operation and the number and ages of children to be cared for or educated by the children's service;
- (h) a statement of the principles by which the proposed educational and recreational programs will operate;
- (i) for each proposed nominee, a nominee declaration;
- (j) the proposed transfer date.

B. INFORMATION REQUIRED FROM THE FOLLOWING TRANSFEREES —

Natural person transferees—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration;
- (d) the names, addresses and telephone numbers of two people who are able to make a referee statement;
- (e) a summary of experience and evidence of qualifications relevant to operating a children's service;
- (f) a health declaration.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration;
- (c) a financial declaration;
- (d) the names, addresses and telephone numbers of two people who are able to make a referee statement;
- (e) a summary of experience and evidence of qualifications relevant to exercising control over the operation of a children's service;
- (f) a health declaration.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) full name, address and date of birth;
- (b) a charges and convictions declaration.

C. INFORMATION REQUIRED FROM COMPANY, CO-OPERATIVE AND INCORPORATED ASSOCIATION TRANSFEREES—

- (a) a financial declaration;
- (b) a control declaration.

D. INFORMATION REQUIRED FROM TRANSFEREES WHO WILL ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

A primary nominee declaration for any proposed primary nominee.

E. INFORMATION REQUIRED FROM TRANSFEREES WHO WILL NOT ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

Information required in relation to any proposed primary nominee—

- (a) full name, address and date of birth;
- (b) the names, addresses and telephone numbers of two people who are able to make a referee statement.

DOCUMENTS REQUIRED TO ACCOMPANY AN APPLICATION FOR THE TRANSFER OF A LICENCE

A. DOCUMENTS REQUIRED FROM COMPANY, CO-OPERATIVE, INCORPORATED ASSOCIATION AND PARTNERSHIP TRANSFEREES—

- (a) proof of incorporation or registration or, if the applicant is a member of a partnership, the deed of partnership (if any); and
- (b) if the applicant is a company, a current extract from the register of the Australian Securities Commission showing the company's status, address of principal place of business and directors and company officers.

B. DOCUMENTS REQUIRED FROM TRANSFEREES WHO WILL NOT ATTEND THE SERVICE DAILY TO MANAGE OR CONTROL THE SERVICE—

Information required in relation to any proposed primary nominee—

- (a) a charges and convictions declaration;
- (b) an identity statement;
- (c) a criminal history check issued within the 6 months preceding the application;
- (d) a summary of experience and evidence of qualifications relevant to managing or controlling a children's service;
- (e) a health declaration.

C. DOCUMENTS REQUIRED FROM THE FOLLOWING TRANSFEREES—

Natural persons applicants—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding the application.

Each company and co-operative director and incorporated association officer who exercises or may exercise control over the operation of the service—

- (a) an identity statement;
- (b) a criminal history check issued within the 6 months preceding the application.

Each officer of a company or corporation who exercises or may exercise control over the operation of the service—

- (a) an identity statement;
 - (b) a criminal history check issued within the 6 months preceding the application.
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SCHEDULE 2

Regulations 5, 6, 8, 9, and 10

PRESCRIBED FEES

In this Schedule—

"short term service" means a standard service or a restricted service which the licensee intends to operate for a period not exceeding 14 days;

"standard service" means a service other than a restricted service.

REGULATION 5: APPLICATION FOR APPROVAL IN PRINCIPLE

Application for approval in principle for land or premises proposed to be used for operating a service

No. of Places	Standard Service	Restricted Service	Short Term Service
Up to and including 60 places	\$307	\$154	\$77
61 to 120 places	\$307	\$154	\$77
121 or more places	\$307	\$154	\$77

Application for approval in principle for alterations or extensions to premises currently used for operating a service

No. of Places	Standard Service	Restricted Service
Up to and including 60 places	\$224	\$112
61 to 120 places	\$271	\$136
121 or more places	\$318	\$159

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REGULATION 6: APPLICATION FOR A LICENCE

No. of Places	Standard Service			Restricted Service			Short Term Service
	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years and up to and including 3 years</i>	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years and up to and including 3 years</i>	
Up to and including 60 places	\$146	\$293	\$366	\$73	\$147	\$183	\$37
61 to 120 places	\$189	\$378	\$472	\$95	\$189	\$236	\$48
121 or more places	\$231	\$462	\$578	\$116	\$231	\$289	\$58

REGULATION 7: APPLICATION FOR RENEWAL OF A LICENCE

No. of Places	Standard Service			Restricted Service		
	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years and up to and including 3 years</i>	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years and up to and including 3 years</i>
Up to and including 60 places	\$143	\$286	\$358	\$72	\$143	\$179
61 to 120 places	\$186	\$371	\$464	\$93	\$186	\$232
121 or more places	\$228	\$456	\$570	\$114	\$228	\$285

REGULATION 8: LATE APPLICATION FEE

No. of Places	Standard Service			Restricted Service		
	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years and up to and including 3 years</i>	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years and up to and including 3 years</i>
Up to and including 60 places	\$72	\$143	\$179	\$36	\$72	\$90
61 to 120 places	\$93	\$186	\$232	\$47	\$93	\$116
121 or more places	\$114	\$228	\$285	\$57	\$114	\$143

REGULATION 9: APPLICATION FOR VARIATION OF LICENCE

Application to vary, revoke or impose a condition on a licence or to vary the period of a licence by not more than 3 months

No. of Places	Standard Service	Restricted Service
Up to and including 60 places	\$90	\$45
61 to 120 places	\$90	\$45
121 or more places	\$90	\$45

Application to vary the period of a licence by more than 3 months

No. of Places	Standard Service			Restricted Service		
	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years</i>	<i>Up to and including 1 year</i>	<i>More than 1 year and up to and including 2 years</i>	<i>More than 2 years</i>
Up to and including 60 places	\$143	\$286	\$358	\$72	\$143	\$179
61 to 120 places	\$186	\$371	\$464	\$93	\$186	\$232
121 or more	\$228	\$456	\$570	\$114	\$228	\$285

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No. of Places	Standard Service			Restricted Service		
places						

REGULATION 10: APPLICATION FOR TRANSFER OF LICENCE

No. of Places	Standard Service	Restricted Service
Up to and including 60 places	\$437	\$210
61 to 120 places	\$508	\$254
121 or more places	\$578	\$289

NOTES**1. General Information**

The Children's Services Regulations 1998, S.R. No. 59/1998 were made on 26 May 1998 by the Lieutenant-Governor as the Governor's Deputy with the advice of the Executive Council under sections 9(2), 16(2), 18(4), 21(2) and (4), 23(4), 24(2), 53(2) and (4) and 56 of the **Children's Services Act 1996**, No. 53/1996 and came into operation as follows:

All of Regulations (except regulations 20(2)(c)(e), 26) on 1 June 1998 reg. 3(1); regulations 20(2)(c)(e), 26 on 1 January 1999: reg. 3(2).

The Children's Services Regulations 1998 will sunset 10 years after the day of making on 26 May 2008 (see section 5 of the **Subordinate Legislation Act 1994**).

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Notes

2. Table of Amendments

There are no amendments made to the Children's Services Regulations 1998 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ Reg. 39: S.R. No. 85/1990.

² Reg. 53 def. of "the 1988 Regulations": S.R. No. 467/1988.

³ Reg. 54(1)(a): S.R. No. 356/1984.

⁴ Reg. 54(1)(b): S.R. No. 270/1984.