

1994—No. 254

**CHILDREN (CARE AND PROTECTION) ACT 1987—  
REGULATION**

(Relating to the conditions of a licence for a home-based child care service)

NEW SOUTH WALES



*[Published in Gazette No. 83 of 24 June 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Children (Care and Protection) Act 1987, has been pleased to make the Regulation set forth hereunder.

Jim Longley  
Minister for Community Services.

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**Commencement**

1. This Regulation commences on 1 July 1994.

**Amendment**

2 The Home-based Child Care Services Regulation 1989 is amended by omitting clause 11(b) and (c) and by inserting instead the following paragraphs:

- (b) the total of the following numbers of children is not to exceed 5 at any time:
  - (i) the number of children under the age of 6 years who do not ordinarily attend school and in respect of whom the licensed caregiver provides caregiving services; and
  - (ii) the number of children under the age of 6 years who do not ordinarily attend school and who are related to the caregiver and whom the caregiver educates, minds or cares for;

- (c) the total of the following numbers of children is not to exceed 7 at any time:
- (i) the number of children under the age of 12 years (including children under the age of 6 years who do not ordinarily attend school) in respect of whom the licensed caregiver provides caregiving services; and
  - (ii) the number of children under the age of 12 years (including children under the age of 6 years who do not ordinarily attend school) who are related to the caregiver and whom the caregiver educates, minds or cares for;
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#### EXPLANATORY NOTE

At present, it is a condition of a licence for a home-based child care service that a licensed caregiver have no more ~~than~~ 5 children under the age of 6 in his or her care at any one time (including children related to the caregiver). The object of this Regulation is to replace this restriction with a restriction based on the number of children under age 6 who do not ordinarily attend school that may be cared for by a licensed caregiver at any one time.

The Regulation makes it a condition of a licence that a licensed caregiver have no more than 5 children under the age of 6 who do not ordinarily attend school in his or her care at any one time (including children related to the caregiver). It remains a condition of a licence that the caregiver not have more ~~than~~ 7 children under the age of 12 in his or her care at any one time (including any children under age 6 who do not ordinarily attend school).

This Regulation is made under the Children (Care and Protection) Act 1987, including section 124 (1) (a) and Schedule 1 (6).

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