



New South Wales

Centre Based and Mobile Child Care Services Miscellaneous Amendments Regulation 1998

under the

Children (Care and Protection) Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Care and Protection) Act 1987*.

Faye Lo Po'
Minister for Community Services

Explanatory note

The object of this Regulation is to amend the *Centre Based and Mobile Child Care Services Regulation (No 2) 1996* so as:

- (a) to require members of the primary contact staff of a service to be at least 18 years of age, and
- (b) to make it clear that other members of the staff of a service may be less than 18 years of age, and
- (c) to make it a condition of a licence that alcohol and other drugs are not consumed, and tobacco is not smoked, on any part of the premises of a service when the service is being provided to children and that all practicable steps are taken to ensure that tobacco is not smoked in any part of the premises that is indoors at any time, and
- (d) to enable a licensee of a service to comply with public liability insurance requirements applicable on or after 1 September 1997 so long as the licensee complies with those requirements on the first renewal of an insurance policy in respect of the service on or after that date, and

1998 No 46

Centre Based and Mobile Child Care Services Miscellaneous Amendments Regulation 1998

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- (e) to require the authorised supervisor of a service to ensure that food and drink is provided to children at the service in accordance with certain recommendations contained in a dietary guide published by the Department of Health.

This Regulation is made under the *Children (Care and Protection) Act 1987*, including clause 6 of Schedule 1 to that Act and section 124 (the general regulation-making power, in particular section 124 (1) (a)).

Centre Based and Mobile Child Care Services Miscellaneous Amendments Regulation 1998

1 Name of Regulation

This Regulation is the *Centre Based and Mobile Child Care Services Miscellaneous Amendments Regulation 1998*.

2 Amendment of Centre Based and Mobile Child Care Services Regulation (No 2) 1996

The *Centre Based and Mobile Child Care Services Regulation (No 2) 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 5 Definitions

Omit “adult” from the definition of *staff*.

[2] Clause 26 Public liability insurance

Insert after clause 26 (2):

- (3) A licensee of a service is taken to have complied with subclause (1) if the cover provided by a policy of insurance in respect of the service held by the licensee immediately before 1 September 1997 and that is renewed for the first time by the licensee on or after that date is \$10,000,000 or more.

[3] Clause 32A Employment of primary contact staff

Insert at the end of the clause:

- (2) A licensee of a service must not employ a person as a member of the primary contact staff of the service unless the person is at least 18 years of age.

[4] Part 7, heading

Insert after clause 37:

Part 7 Savings, transitional and other provisions

[5] Clause 39

Insert after clause 38:

39 Saving relating to certain primary contact staff

- (1) In this clause:

amending Regulation means the *Centre Based and Mobile Child Care Services Miscellaneous Amendments Regulation 1998*.

(2) Clause 32A (2) does not prevent a licensee of a service from continuing, after the commencement of the amending Regulation, to employ as a member of the primary contact staff of a service a person who, immediately before that commencement, is so employed and who is under 18 years of age.

[6] Schedule 2 Code of Conduct

Omit clause 2 (3). Insert instead:

(3) The authorised supervisor of a service must ensure that:

- (a) no alcohol or other drugs are consumed on any part of the premises of the service at any time when the service is being provided to children, and
- (b) no tobacco is smoked on any part of the premises of the service at any time when the service is being provided to children and that all practicable steps are taken to ensure that no tobacco is smoked on any part of the premises that is indoors at any other time.

[7] Schedule 2, clause 3 (1), (6)

Omit “Dietary Guidelines” wherever occurring.
Insert instead “Dietary Guide”.

[8] Schedule 2, clause 3 (7)

Omit “recommended intake set out in the Dietary Guidelines”.
Insert instead “Recommended Daily Intakes (RDIs) of nutrients set out in Table 1 of the Dietary Guide and that the menu is consistent with the Dietary Guide”.

[9] Schedule 2, clause 3 (8)

Omit the definition of *Dietary Guidelines*. Insert instead:

Dietary Guide means the guide prepared by C Burney and L Williams and published by the Department of Health entitled “Caring for Children—FoodNutrition and Fun Activities” (Third Edition).