



New South Wales

Children's Services Amendment (Miscellaneous) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

KEVIN GREENE, M.P.,
Minister for Community Services

Explanatory note

The objects of this Regulation are:

- (a) to exclude a school based children's service (that is, a children's service that is conducted by a school) from certain requirements governing excursions if the excursion remains within the immediate grounds of the school, and
- (b) to provide that the current requirement for an authorised supervisor to be present on the premises of a children's service for 50% of the time that the service is provided is extended, in the case of a school based children's service, to the premises of the relevant school, and
- (c) to make it clear that a school based children's service operating prior to 1 July 2008 is exempt from certain facilities and equipment requirements under the *Children and Young Persons (Care and Protection) Act 1998*, and
- (d) to update a reference to an identity document evidencing Australian citizenship that is to accompany an application for a children's service licence.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 220 and 264 (the general regulation-making power) and clause 1 of Schedule 3.

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Clause 1 Children's Services Amendment (Miscellaneous) Regulation 2008

Children's Services Amendment (Miscellaneous) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children's Services Amendment (Miscellaneous) Regulation 2008*.

2 Commencement

- (1) This Regulation commences on the day that it is published in the Gazette, except as provided by subclause (2).
- (2) Schedule 1 [6] commences on 1 July 2008.

3 Amendment of Children's Services Regulation 2004

The *Children's Services Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 10 Identity documents to accompany application

Omit clause 10 (2) (e). Insert instead:

- (e) if applicable, the person's Australian naturalisation or citizenship certificate or any other similar document that is evidence of the person's Australian citizenship.

[2] Clause 28, heading

Omit “, suspension”.

[3] Clause 56

Omit the clause. Insert instead:

56 Supervision by authorised supervisor—centre based children's service

- (1) The licensee of a centre based children's service must ensure that the authorised supervisor for the service has the overall supervision of the provision of the service.
- (2) The licensee of a centre based children's service must ensure that the authorised supervisor for the service is, each week:
 - (a) in the case of a school based children's service—present on:
 - (i) where the relevant school is located on one premises only, the premises of the school on which the service is based for no less than 50% of the time that the service is provided, or
 - (ii) where the relevant school is located on 2 or more premises, the same premises of the school as the premises of the school on which the service is based for no less than 50% of the time that the service is provided, or
 - (b) in the case of any other children's service—present on the premises of the service for no less than 50% of the time that the service is provided.

[4] Clause 77 Authority for excursions

Insert after clause 77 (4):

- (5) Nothing in subclause (1) or (2) requires an authorisation to be obtained in respect of a school based children's service if the

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Schedule 1 Amendments

premises of the service are located within the premises of the school that conducts the service and the excursion takes place:

- (a) where the school is located on one premises only—solely within those premises, or
- (b) where the school is located on 2 or more premises—within the same premises of the school as the premises of the school in which the service is based.

[5] Clause 78 Conduct of excursions: general

Insert after clause 78 (8):

- (9) Subclauses (3), (5) and (6) do not apply in respect of an excursion conducted by a school based children's service (where the service is located within the premises of the school that conducts the service) if the excursion takes place:
 - (a) where the school is located on one premises only—solely within those premises, or
 - (b) where the school is located on 2 or more premises—within the same premises of the school as the premises of the school in which the service is based.

[6] Schedule 2 Savings and transitional provisions

Omit clause 5 of the Schedule. Insert instead:

5 Application of Part 3 facilities and equipment requirements to school based children's services

Part 3 of this Regulation (clauses 34, 40 and 45 excepted) does not apply to or in respect of a school based children's service operating prior to 1 July 2008.

[7] Dictionary

Insert in alphabetical order:

school based children's service means a prescribed children's service that is conducted by a school within the meaning of the *Education Act 1990*.

BY AUTHORITY
